

# Canadian Association for Pharmacy Distribution Management Pandemic Planning Guidelines & Checklist

(as at 12/13/07)

---

*“Failure to prepare is preparing to fail.”*

## PANDEMIC PLANNING GUIDELINES

### Objective

The Canadian Association for Pharmacy Distribution Management’s objective in developing this pandemic preparedness leading practices document is to provide its members in the Canadian pharmacy supply chain with guidelines and a checklist for each company to use in creating an effective pandemic response plan tailored to their own particular organization.

### Background

Canadians, those living in some major cities in particular, had a powerful reminder of the importance of an Emergency Response Plan with the Spring 2003 outbreak of SARS (Severe Acute Respiratory Syndrome). The event escalated to the world stage with the World Health Organization’s imposition of a travel ban to Toronto. The economic impact was felt across the country and lasted well into 2004. Affected facilities in the Toronto GTA turned to their private and public sector Emergency Response Plans to know what to do. Infection control processes ranging from PPE (Personal Protective Equipment) to mandatory quarantines to restricted visitor policies, helped curtail the spread of the disease. Much was learned from this event, not the least of which was the importance of knowing what to do in the face of a fast-moving infectious disease that threatens lives and businesses.

On average, the world experiences a major flu pandemic every 25 to 40 years, and it has been that way since the 16<sup>th</sup> century. There were three pandemic occurrences in the 20<sup>th</sup> century: 1918-1919 (Spanish), killed 40–50 million people worldwide in 18 months; 1957-1958 (Asian), killed 2 million; and 1968-1969 (Hong Kong) killed 1 million.

Why should our industry take the pandemic possibility seriously? In addition to this being prudent business practice that shows due care for the welfare of patients and employees, there are two key reasons:

First, a pandemic – probably an Asian flu strain – will almost certainly come to Canada at some point. According to Lee Jong-Wook, Director General of the World Health Organization: “It is only a matter of time before an avian flu virus, most likely H5N1, acquires the ability to be transmitted from human to human, sparking the outbreak of human pandemic influenza. We don’t know when this will happen. But we do know that it will happen.” It therefore behooves any organization to be as prepared as possible for this likelihood, and especially so for our industry, given that we are the vital link in Canada’s health care system . . . which leads to the second reason for industry-wide readiness:

CAPDM members have a unique challenge and obligation: we will be called upon to continue in the supply and distribution of critical medicines and equipment. To this end, CAPDM members have a responsibility to ensure that they are not a weak link in the supply chain, that they have an effective Pandemic Response Plan addressing the spectrum of severities from mild to severe, as well as follow the continuum of pre-event, event and post-event considerations. Through CAPDM, members should also share and co-ordinate their Pandemic Plans as a means of ensuring supplies and services can be delivered when and where required across Canada. This may include the importation of specialized products from outside of Canada.

## Strategic Foundation

In any pandemic plan, there are basic strategies that should first be established to underpin the tactical action steps which each company will develop. These include, but are not necessarily limited to, the following:

- Check your corporate or head office national or global policies and/or preparedness plans related to risk management, crisis or emergency management, and business interruption. If your head office is outside Canada, it is especially important to check if the international company has a central pandemic plan. Leverage these existing plans and ensure that your Pandemic Plan is aligned with them.
- Review and understand the pandemic plan(s) developed by your specific provincial government and/or regional health authority where your Canadian head office resides and where you have staff in provincial offices. Referring to this when you build your own tailored plan will be very helpful. And open a channel of communications with the relevant health authority as you begin to devise your plan.
- Identify the most essential core functions of your company that should, if at all possible, keep operating during a pandemic, even if other functions and staff are reduced.
- For each essential core function, identify the skills needed by staffers to maintain each function and identify the staff who possess these skills, and/or can be trained into them. Especially important is that core staffers must have strong decision-making skills. For each essential skill and corresponding staffer, identify at least one (and preferably two) backup person(s).
- Create a Pandemic Planning Committee to develop the plan and a Pandemic Team to coordinate the plan during a pandemic. The latter will comprise some of these core staffers, with selected managers and others from across the company, and some from the planning committee. Ensure the decision-making process is carefully documented. Full endorsement and support from senior management is crucial.
- Create a decision-making framework that builds in flexibility and consistency for essential staffers to use their own judgment in certain situations. This is crucial because one plan cannot possibly anticipate all exigencies in a pandemic scenario, so authority must be given to key people to act independently if a particular unforeseeable situation should require immediate, decisive action.
- Develop a recovery process as a companion plan to help guide resumption of regular business.

- Understand the status of your legal and contractual liabilities in the event of a declared pandemic (see Appendix), including such elements as D & O, E & O and business interruption insurance and obligations; privacy legislation; workplace safety; and contract penalties.
- Take into account that in a pandemic the business and social environment will be unlike anything ever encountered. Some key facts to accept are that a pandemic is not an “event” but may develop over time; there will be mixed messages in the community – “keep the economy going” vs. “stay at home”; social distancing will be the norm if schools, malls, churches close, events are cancelled, transit shuts down, etc; fear will initially prevail, influenced by the media – either inflaming or subduing.
- When announcing that you have launched planning or have completed your pandemic plan -- decide on and declare your corporate policy related to a pandemic outbreak. This can include many considerations. For example, you might state that your company will follow the recommendations of the WHO regarding escalating phases (please see Appendix).
- Other fundamental elements to consider and communicate in a corporate pandemic plan are: company priorities on employee protection, minimizing spread, serving patients/the public and maintaining public confidence in our industry; core values of health and safety, employee equality, customer equality and open honest frequent communications.
- Plan for potential challenges in language, increased phone and internet usage, and a surge in demand on pharmacies that will impact our operations.
- Address personal preparedness early by encouraging proper hygiene as the best prevention, work with an Employee Assistance Provider and consult publicly-available personal preparedness guides, usually from public health authorities.

## Moving Forward

The CAPDM Board of Directors supported the idea of a Pandemic Planning Committee in June 2006. The committee is composed of member representatives from the pharmacy supply chain including wholesaler/distributors, self-distributing pharmacy chains, manufacturers/importers, 3PLs and transportation providers.

This Guidelines and Checklist document is intended to stimulate business planning activities specific to member companies and does not attempt to be “all things to all people” – i.e. not one approach that can cover all sectors and stakeholders in our industry.

Appendices of this document provide on-line resources which may prove useful to organizations for developing and maintaining their own particular pandemic plan.

CAPDM will coordinate the sharing of plans among members and the sending of additional resource material and information as it becomes available.

# Pandemic Planning Checklist

## 1. Emergency Plan Preparation & Structure

» It is strongly recommended that a Pandemic Plan be developed as a subset of any existing Emergency Plan.

Completed	In Progress	Not Started	Not Applicable	Activity	Action
				Establish a Pandemic Planning Committee and a Pandemic Team	<i>Develop criteria for each and select staffers for both – with the Committee members being the first to be identified – and knowing the Committee will create the Plan and the Team will coordinate the Plan’s execution during the pandemic period.</i>
				Chart Chain-of-Command	<i>Draw Pandemic Committee reporting lines through all department heads up to the CEO.</i> <ul style="list-style-type: none"> <li>• <i>consider any international affiliations.</i></li> </ul>
				Roles & Responsibilities – Internal	<i>Develop an inventory of most critical functions &amp; related job skills and identify staffers at 3-deep redundancy. Consider cross-training and/or potential outsourcing where redundancy levels are shallow.</i>
				Roles & Responsibilities – External	<i>List all external relationships including key customers and suppliers. Include and determine degree of assistance from:</i> <ul style="list-style-type: none"> <li>• <i>all levels of government.</i></li> <li>• <i>professional organizations and associations.</i></li> </ul> <i>Identify representatives from new relationships such as:</i> <ul style="list-style-type: none"> <li>• <i>public health authorities.</i></li> <li>• <i>preventative and curative labs/diagnostic facilities.</i></li> <li>• <i>healthcare associations including physicians, nurses, pharmacists, home care groups.</i></li> </ul>
				Resourcing & Maintenance	<i>Support the committee by providing the necessary time and funds for development, education and ongoing updates. Increased investment will be necessary should the plan grow to include:</i> <ul style="list-style-type: none"> <li>• <i>modeling studies to determine impacts on business.</i></li> <li>• <i>preventative measures and education.</i></li> </ul>
				Risk Stratification	<i>Plan response levels in alignment with the six phases identified by the World Health Organization (see Appendix 1). More in Section 10 on Business Continuity.</i>
				Review & Test	<i>Plans should be tested, exercised and revised periodically as needed.</i>

## 2. Employee Health & Safety

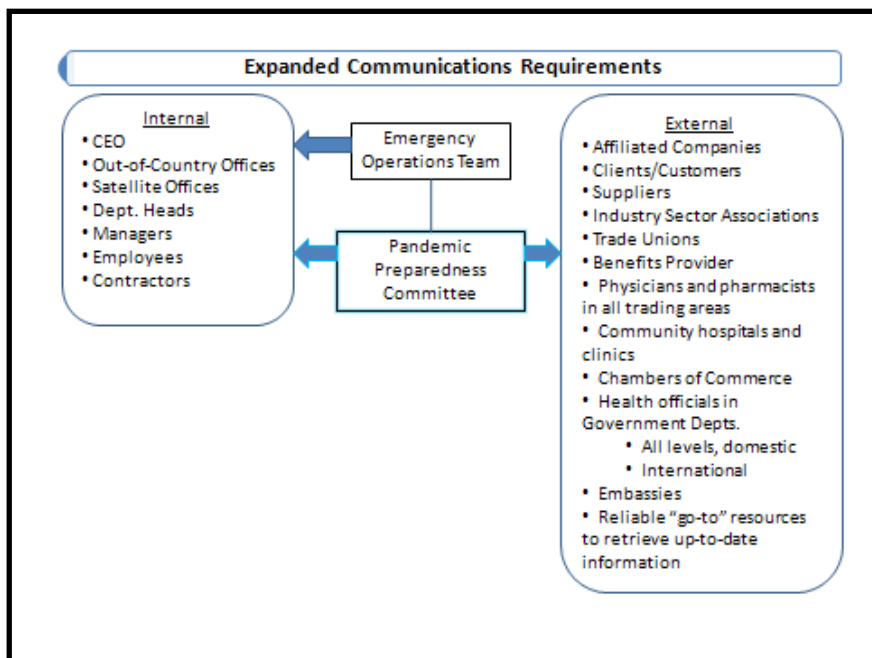
» The care and concern for the health and welfare of your employees is evident in the preparation of a Pandemic Preparedness Plan.

Completed	In Progress	Not Started	Not Applicable	Activity	Action
				Employee Shortages	<p><i>Adopt procedures to monitor absences and illness including short-term, long-term and possible fatalities.</i></p> <p><i>Identify any special needs workers.</i></p> <p><i>Identify critical employees and plan for back-up. Consider 'safe havens' for top executives.</i></p>
				Review all healthcare insurance policies for coverages and limits. Understand availability of and eligibility for government coverages including mental health, social services and faith-based support.	<p><i>Review and disseminate policies pertaining to:</i></p> <ul style="list-style-type: none"> <li>• <i>compensation and sick leave, shift limits, factors for mandatory absence.</i></li> <li>• <i>ensure clarity between benefits for self and family or household members.</i></li> <li>• <i>access to and availability and extent of medical advice</i></li> <li>• <i>pay particular attention to areas of heightened importance such as home care and grief counseling.</i></li> <li>• <i>evacuation and return.</i></li> </ul>
				Enhance work policies to include guidelines for employees in the event of a Pandemic. Know your obligations according to local labour and privacy laws.	<p><i>Work Policy Guidelines to include items such as:</i></p> <ul style="list-style-type: none"> <li>• <i>Criteria that triggers permissions for flexible worksite and/or hours, including:</i> <ul style="list-style-type: none"> <li>o <i>daycare/school restrictions</i></li> <li>o <i>travel restrictions</i></li> <li>o <i>site closures</i></li> <li>o <i>public transport disruptions</i></li> </ul> </li> </ul> <p><i>* Develop policy for employees, contractors who do not wish to go to work for fear of exposure.</i></p> <p><i>* Identify what medical support &amp; helplines are available in the community.</i></p> <p><i>* Review HVAC to consider if changes/extra maintenance may be needed during a pandemic.</i></p>
				Worksite Illness Prevention	<p><i>Initiate or expand prevention information/education through posters, payslip stuffers, intranet, newsletters.</i></p> <p><i>Examine physicality of workspace for extent of face-to-face exposure and plan to modify if required.</i></p>
				Vaccination	<i>Encourage flu vaccination. Prioritize in the event of a shortage.</i>
				Stock PPE (Personal Protective Equipment). Note that anti-viral agents and supplies will be in high demand at the first sign of an outbreak.	<i>Provide infection control supplies such as alcohol-based hand sanitizers, disposable disinfectant wipes. Prepare for a possible need for face masks and eye goggles.</i>
				Evacuation	<i>Determine the criteria for evacuating an entire site and know alternative sites and/or work-at-home alternatives ready.</i>
				Visitors	<i>Designate procedures for non-employees arrival at your facilities in the midst of an infectious disease situation.</i>

### 3. Communication and Education

» Accurate, timely and consistent information is critical to effective response and to maintain order in the event of a pandemic. Prepare to quickly expand your reach when communicating critical information.

Completed	In Progress	Not Started	Not Applicable	Activity	Action
				Develop Communications Plan - Internal	<p><i>Communicate fully with employees about Pandemic Plan development and their role in it, from inception to completion.</i></p> <p><i>Also share your Plan with external audiences deemed important to your business and offer regular updates.</i></p> <p><i>Ensure staff lists are kept current and include home phone #'s.</i></p> <p><i>Build call trees or 1-800 resource line and publicize.</i></p> <p><i>Expand databases to include groups that will become important in the event of a pandemic, per examples in the diagram below. Ensure multi-lingual, multi-cultural requirements within your organization are met.</i></p>
				Determine credible information sources.	<p><i>Know where to go for up-to-the-minute information, such as government websites, health organizations, etc. to keep targeted audiences informed.</i></p>
				Prepare to communicate with a de-centralized workforce at all employee levels.	<p><i>Have alternate communication procedures in the event of a disruption to usual channels, e.g. dedicated external website, hotline, cell phones, PDAs, pagers.</i></p>
				Best Practices	<p><i>Consider in-person seminars, lunch 'n' learns, web-based and text messaging, etc. in addition to printed materials. Share plans with key partners, suppliers.</i></p>
				Precautions and Prevention	<p><i>Determine the extent to which your organization will teach and support proper infection control.</i></p>
				Personal Preparedness Kits	<p><i>Educate and encourage employees to prepare families and homes in the event of a pandemic.</i></p>



## 4. Security

» Requirements for the protection of people and places may be radically different in the event of a pandemic.

Completed	In Progress	Not Started	Not Applicable	Activity	Action
				Supply shortages	<i>People: In terms of both curative (vaccines) and preventative (equipment), determine priority order of receipt and evaluate stockpiling options. Products: Critical inputs may be warehoused in greater quantities thereby requiring security.</i>
				Worksites	<i>Develop a plan to secure facilities in the event of closure.</i>
				Alternative worksites	<i>Ensure security plans for new facilities in the event of closure of existing buildings. Consider technological security issues when larger percentages of employees work from home.</i>
				Security Personnel shortages	<i>Potential to share contracted security with trusted partners.</i>
				Visitors	<i>Designate procedures for non-employees arrival at your facilities during an infectious situation.</i>

## 5. Technology

» Back-up, at a detailed level of preparedness not seen since Y2K will greatly help protect your business. Off-site work requirements will put pressure on information systems.

Completed	In Progress	Not Started	Not Applicable	Activity	Action
				Normal systems may not be operational.	<i>Every database to have redundancy and offsite backup.</i>
				Remote access to systems will be critical.	<i>Existing VPN's and similar 'pipelines' can handle the extra capacity that offsite work will require. Build intranet for secure access by any/all employees if not already available.</i>
				Systems maintenance	<i>Know which IT tasks require human intervention and which are automated. At least three people deep for IT updates that require human input.</i>

## 6. Supply Chain

» Just-in-time fulfillment and single-source suppliers at greatest risk of disruption if a pandemic occurs.

Completed	In Progress	Not Started	Not Applicable	Activity	Action
				Just-in-Time	<i>Core items critical to business and not subject to expiry can be ordered in advance.</i>
				Transportation	<i>Closures may occur at airports, borders, roadways. Categorize arriving supplies by degree of vulnerability and investigate alternates, by supplier and method of distribution.</i>
				Suppliers	<i>Determine preparedness level of major supply chain partners, identify backup suppliers. Arrange for partners to share plans for each other and work together to identify gaps.</i>
				Alternates	<i>Identify at least one other way to source critical components. Multiple warehouses and large vendor bases are best to ensure an uninterrupted flow of products.</i>
				Potential Government Intervention	<i>Government may designate 'critical' items and direct their delivery to priority facilities (e.g hospitals). Determine if your products or services may be targeted by government.</i>

## 7. Media Communications/Monitoring

» The availability and transportation of important supplies including medicines may thrust many CAPDM member companies into the media spotlight. Be prepared.

Completed	In Progress	Not Started	Not Applicable	Activity	Action
				Spokesperson	<i>Identify company spokespersons when approached by the media and media-train them ahead of time, with built-in refresher sessions.</i>
				Scripts	<i>Anticipate hard-hitting questions and pre-develop answers and messages. Know the extent to which you will reveal your plans to the public.</i>
				Monitoring	<i>The tracking of company mentions in the press both negative and positive will be of interest. Arrange to monitor communiques of government health authorities, other expert sources, websites, etc.</i>
				Media Relations Plan	<i>Develop a media relations strategy &amp; plan that has both proactive and responsive tactics.</i>

## 8. Legal Issues

» Perhaps one of the most difficult aspects of a Pandemic Plan will be to clearly understand your level of liability to customers and suppliers if faced with the inability to deliver the goods per existing contracts, and the responsibility employers have to their employees (see Appendix 2 for more detail on certain legal issues).

Completed	In Progress	Not Started	Not Applicable	Activity	Action
				Legal requirement for a Pandemic Plan	<i>Understand potential liabilities under the Canada Labour code, Part II Occupational Health &amp; Safety, Section 124 re protecting staff health/safety at workplace and Section 125 (b) re staff's right to know to made aware of foreseeable risks.</i>
				Compliance with municipal, provincial and federal legislation in the event of an emergency.	<i>Be familiar with the Canadian Pandemic Influenza Plan from Health Canada as part of the Emergency Preparedness Act, and understand your local government's (provincial and municipal) pandemic plans.</i>
				Contracts and insurance	<i>Understand possible penalties for failure to fulfill contract terms. Ensure insurance provides some disease coverage.</i>
				Force majeure	<i>Understand the opportunity to have pandemic specifically named as a peril in existing contracts.</i>

## 9. Government Considerations

» Know who to report to and what to report, as government reporting requirements may escalate very quickly.

Completed	In Progress	Not Started	Not Applicable	Activity	Action
				Regulated reporting	<i>Know what will be expected of your organization by all levels of government in all geographies where you conduct business.</i>
				Emergency Powers	<i>Understand what governments can do (see Section 6 as an example) and know how the enactment of Emergency Powers can impact your business.</i>

## 10. Business Continuity

» Successful survival strategies are the goals of a Pandemic Preparedness Plan and can be described as a back-up plan for every single aspect of your business.

Completed	In Progress	Not Started	Not Applicable	Activity	Action
				Risk Stratification	<p>Build a step-wise plan by levels according to national and international sources. Know the triggers that will activate each plan level, such as:</p> <ul style="list-style-type: none"> <li>• Limited # of cases in humans</li> <li>• Cases are limited to specific geographic clusters</li> <li>• Major outbreaks in specific areas</li> <li>• Widespread suffering</li> </ul> <p>Canadian regional health authorities will be key allies in each phase and should be part of your emergency communications plan (See Section 3).</p>
				Leadership	<p>Recognize that longterm illness and perhaps death will demand redundancy and succession planning for business to succeed.</p>
				Centralization a Liability	<p>Risk is heightened when skills reside in only one individual, particularly if licensing or certification is required. Similarly, single-source suppliers with only one location pose the greatest risk to distribution. Ensure linkage with multi-source suppliers having diverse locations.</p> <p>Know the preparedness level of all critical infrastructure providers (HVAC, telecommunications, technology, etc), not just you supply chain partners.</p>
				Modelling	<p>Consider the impact on your business if 25% of staff were short-term ill, or 50%, or 80%. Decide which of these – or other criteria – would trigger certain actions. Decide what resources are required to enable these actions (e.g. IT support for employees working from home).</p> <p>Work a scenario for longer-term illness and the consequences of a second wave of flu months after the first wave. Perform the same analyses on the supply-side of the business (e.g. if we couldn't receive 'Part A' in a week, what would we do?)</p> <p>Determine a worker-replacement plan beyond that for those deemed to be most essential, and decide if it should include retirees, temporary staff, contractors, etc.</p>
				Communications Plan - External	<p>Develop a communication plan geared to the public, customers, partners, suppliers, community members, governments and other external stakeholders; should have pro-active and responsive strategies.</p>

**Appendix 1**

<b>WHO Pandemic Phases and Planning Goals</b>	
<b>NEW PHASES</b>	<b>OVERARCHING PUBLIC HEALTH GOALS</b>
<p><b>Interpandemic Period</b></p> <p><b>Phase 1.</b> No new influenza virus subtypes have been detected in humans. An influenza virus subtype that has caused infection may be present in animals. If present in animals, the risk of human infection or disease is considered to be low.</p> <p><b>Phase 2.</b> No new influenza virus subtypes have been detected in humans. However, a circulating animal influenza virus subtype poses a substantial risk of human disease.</p> <p><b>Pandemic Alert period</b></p> <p><b>Phase 3.</b> Human infection(s) with a new subtype, but no human-to-human spread, or at most rare instances of spread to a close contact.</p> <p><b>Phase 4.</b> Small cluster(s) with limited human-to-human transmission but spread is highly localized, suggesting that the virus is not well adapted to humans.</p> <p><b>Phase 5.</b> Larger cluster(s) but human-to-human spread still localized, suggesting that the virus is becoming increasingly better adapted to humans, but may not yet be fully transmissible (substantial pandemic risk).</p> <p><b>Pandemic Period</b></p> <p><b>Phase 6.</b> Pandemic: increased and sustained transmission in the general population.</p>	<p>Strengthen influenza pandemic preparedness at the global, regional, national, and sub-national levels.</p> <p>Minimize the risk of transmission to humans; detect and report such transmission rapidly if it occurs.</p> <p>Ensure rapid characterization of the new virus subtype and early detection, notification, and response to additional cases.</p> <p>Contain the new virus within limited foci or delay spread to gain time to implement preparedness measures, including vaccine development.</p> <p>Maximize efforts to contain or delay spread, to possibly avert a pandemic and to gain time to implement pandemic response measures.</p> <p>Minimize the impact of the pandemic.</p>

## Appendix 2

# Legal Considerations Involving Employers and Employees

### Is the legal obligation to have a pandemic plan?\*

The first consideration for an employer and business owner is whether there is a legal requirement for them to have a Pandemic Plan or Health Emergency Plan. At this time, there is no express legislation in Canada or the provinces or territories requiring them to have specific Health Emergency Plan in place. Having said that there are some provinces which do require employers to perform risk assessments and this may imply an obligation to prepare such a plan if in fact a risk is identified.

Nevertheless, a legal obligation to prepare for a potential pandemic event may exist for reasons which include:

- (I) As an employer in Canada, applicable legislation requires employers to create and maintain a safe workplace for its employees.
- (II) The possibility of a pandemic or health emergency is now well known to be a reasonable possibility or likelihood. The relevant government agencies are suggesting businesses should have plans in place. Many businesses and industries are preparing and publishing plans. The possibility that a claim may be made against an owner or executives of a business in negligence for not having a Pandemic Plan or Health Emergency Plan in place, is an open question.

### Relevant federal legislation – pandemics and other emergencies

It is outside the scope of this document to deal with all of the various federal and provincial legislation that may come into play in a health emergency, but the following are some of the Acts which may be of importance:

#### Canada Emergencies Act

The Emergencies Act is a tool of last resort that covers four classes of emergency: public welfare, public order, international affairs and war. It is intended to respond to an emergency at the national level and can only be invoked after it has been determined that a critical situation cannot be dealt with effectively under any other law in Canada and that the situation is either:

- of such proportions as to exceed the capacity or authority of a province to deal with it (such as during a pandemic); or
- a serious threat to the Government of Canada's ability to preserve sovereignty, security or territorial integrity.

*\*Please note that this section provides only a brief overview of some of the legal issues that you may have to consider when developing a pandemic or health emergency plan. No legal advice is being provided that may be relied upon by any one for any reason in this paper and any appendices hereto. CAPDM accepts no responsibility for any liability for any acts or omissions done or omitted in reliance, in whole or in part on any information contained in this paper or any liability for any claims for loss, damage or other consequence, whether in contract, equity, tort, statute of law of any kind, whether such losses be direct or indirect, special, incidental, consequential or punitive that may relate to the use of this information, howsoever caused. In order to ensure that you have a clear understanding of any legal rights and obligations that you may have, you must obtain proper legal advice from a lawyer and refer to any and all relevant legislation and regulations.*

## Emergency Preparedness Act

The Emergency Preparedness Act requires every federal ministry to develop and implement emergency preparedness measures. Since its inception, this Act has led to the development of several federal emergency response plans, including Health Canada's Canadian Pandemic Influenza Plan.

### **Owners and Managers as Employers**

Any pandemic or health or health emergency that involves a biological virus may constitute a hazardous substance that is regulated by *Canada Labour Code Part II* and its regulations and the Provincial Occupational Health and Safety acts and their regulations. Reference should be made to the applicable federal and provincial legislation. A hazardous substance is defined as: "a controlled product and a chemical, biological or physical agent that, by reason of property that the agent possesses, is hazardous to the safety or health of a person". The most relevant sections of the *Canada Labour Code Part II Occupational Health & Safety* are set out below:

#### **Canada Labour Code, Part II Occupational Health & Safety**

**Section 124.** Every employer shall ensure that the health and safety at work of every person employed by the employer is protected.

**Section 125.** (1) Without restricting the generality of section 124, every employer shall, in respect of every work place controlled by the employer and, in respect of every work activity carried out by an employee in a work place that is not controlled by the employer, to the extent that the employer controls the activity

(p) ensure, in the prescribed manner, that employees have safe entry to, exit from an occupancy of the work place;

(s) ensure that each employee is made aware of the known or foreseeable health or safety hazard in the area where the employee works;

**Section 128.** (1) Subject to this section, an employee may refuse to use or operate a machine or thing, to work in a place or to perform an activity, if the employee while at work has reasonable cause to believe that:

(b) a condition exists in the place that constitutes a danger to the employee...

**Section 145.** (2) If a health and safety officer considers that a condition in a place constitutes a danger to an employee while at work,

2) The officer must notify the employer of the danger and issue directions in writing to the employer directing the employer, immediately or within the period that the officer specifies, to take measures to:

i) correct the hazard or condition or alter the activity that constitutes the danger,

(ii) protect any person from the danger...

If the employer agrees that a danger exists, the employer shall take immediate action to protect employees from the danger.

The full *Canada Labour Code Part II Occupational Health & Safety* is available online at:

<http://laws.justice.gc.ca/en/L-2/146493.html#rid-146499>

Every provincial jurisdiction has the equivalent of an Occupational Health and Safety Act or Workplace Health and Safety Act which contain similar provisions that may be applicable. It appears that Work Safe B.C. has considered it prudent to provide a draft Occupational Health and Safety Guideline for consultation purposes to address the expectation for plans to protect workers from possible exposure to a virus in B.C. workplaces. The proposed regulation will require employers to develop and implement an exposure control plan to protect workers where they have or may have occupational exposure to a blood borne pathogen or to other biohazardous materials. It appears that the proposed regulation has been ratified and is likely to become law shortly. The intent is that this would include an influenza pandemic. Employers can likely expect that if these regulations are implemented in one province, then they may be seriously considered by other jurisdictions.

### **Three Rights of Employees**

Both federal and provincial occupational health and safety legislation provides three rights:

- Right to Know
- Right to Participate
- Right to Refuse

**Right to Know:** Employees have the right to be informed of known or foreseeable hazards such as pandemic influenza. They must be given the information, instruction, training and supervision necessary to protect their health and safety. Effective communication will be crucial in preparing for and controlling pandemic influenza.

**Right to Participate:** Employees have the right and responsibility to identify and correct job-related health and safety issues. They could exercise this during pandemic influenza. Employees can also participate through a complaint process and may complain if pandemic influenza has not been well handled.

**Right to Refuse:** Employees can refuse work where there is reasonable cause to believe that a dangerous condition exists and/or an activity constitutes a danger to one or more employees.

It is possible that employees may refuse to work when pandemic influenza poses a danger.

### **Duties of Employers and Employees**

Under both federal and provincial occupational health and safety legislation:

- Employers: must ensure the health and safety of every employee is protected. This may require the implementation of programs, plans and response actions for pandemic influenza.
- Employees: have obligations to prevent occupational-related injuries and diseases. They must take reasonable and necessary precautions to ensure their own and others' health and safety.
- In the event of pandemic influenza, employees could exercise this obligation and would require guidance, training, education, cleaning substances and protective clothing such as protective barriers, gloves and masks.

*(This appendix has been excerpted from the pandemic plan of the Building Owners and Managers Association of Canada)*

## **Appendix 3**

### **Online Resources**

#### **International**

1. Epidemic and Pandemic Alert and Response site from World Health Organization:  
[http://www.who.int/csr/disease/avian\\_influenza/en/index.html](http://www.who.int/csr/disease/avian_influenza/en/index.html)
2. WHO Global Influenza Preparedness Plan from the Dept. of Communicable Disease, Surveillance and Response. See Annexes for recommended actions:  
[http://www.who.int/csr/resources/publications/influenza/GIP\\_2005\\_5Eweb.pdf](http://www.who.int/csr/resources/publications/influenza/GIP_2005_5Eweb.pdf)
3. One stop access to U.S. Government avian and pandemic flu information, managed by the Dept. of Health and Human Services: <http://www.pandemicflu.gov/>
4. Pandemic Influenza Preparedness and Response Guidance for Healthcare Workers and Healthcare Employers from the Occupational Safety and Health Administration, U.S. Dept. of Labor, 2007. See Alert Matrix to stratify risk levels on Page 70 of 104: [http://www.osha.gov/Publications/OSHA\\_pandemic\\_health.pdf](http://www.osha.gov/Publications/OSHA_pandemic_health.pdf)

#### **National**

1. Public Health Agency of Canada published The Canadian Pandemic Influenza Plan for the Health Sector, a 610 page pdf document: [http://www.phac-aspc.gc.ca/cpip-pclcpi/pdf-e/CPIP-2006\\_e.pdf](http://www.phac-aspc.gc.ca/cpip-pclcpi/pdf-e/CPIP-2006_e.pdf)  
Related information also available through [www.safecanada.ca](http://www.safecanada.ca)
2. From Public Safety Canada, A Guide to Business Continuity Planning:  
<http://www.ps-sp.gc.ca/prg/em/gds/bcp-en.asp>
3. One-stop access to information from Government of Canada Departments and Agencies on pandemic, avian and Seasonal influenza: [http://www.influenza.gc.ca/index\\_e.html](http://www.influenza.gc.ca/index_e.html)
4. Canadian College of Health Services Executives: The role of Health Leaders in Planning for an Influenza Pandemic:  
<http://www.cchse.org/assets/pandemic/Pandemic%20English.pdf>
5. Retail Council of Canada Pandemic Planning Checklist for Retailers  
[www.retailcouncil.org](http://www.retailcouncil.org)
6. Canadian Manufacturers and Exporters, Influenza Pandemic: Continuity Planning Guide for Canadian Business  
[http://www.cme-mec.ca/national/template\\_na.asp?p=22](http://www.cme-mec.ca/national/template_na.asp?p=22)

#### **Provincial/Municipal**

1. Ontario Chamber of Commerce: Pandemic Planning tool kit: [www.occ.on.ca](http://www.occ.on.ca)
2. Workplace Safety & Insurance Board: Pandemic Preparedness Checklist: [www.wsib.on.ca](http://www.wsib.on.ca)
3. Toronto Public Health Toronto Pandemic Influenza Plan: [www.toronto.ca/health](http://www.toronto.ca/health)
4. List of Canadian RHA's (Regional Health Authorities): <http://www.chrgonline.com/linkregauthorities.asp>
5. Personal pandemic planning guidance and tools: [www.peelregion.ca/prep](http://www.peelregion.ca/prep)