

Klachkova, Anastasiya (CSC/SCC)

From: Dejneha Ryan (ONT)
Sent: January 23, 2021 4:09 PM
To: Snedden Kevin (ONT); Jackson Curtis (ONT); Kenyon Lesley (ONT); James Craig (ONT);
Tousignant Alain (NHQ-AC)
Cc: Mills Dr. Jeremy (ONT); O'Hara Tim (ONT); Roscoe BeLinda (ONT); Morais René (ATL)
Subject: RE: BCI 127 on wearing of shield
Attachments: 2021-01-21 - draft Joint Investigation for [REDACTED] 127.docx; MEMO - IRMF - v.11.pdf;
FW: CLC S 127.1 Complaint - [REDACTED] Re: Face shields

Importance: High

Good afternoon all,

See attached and below for some existing information from other regions/institutions that have addressed similar complaints. This has also been an issue at several institutions in Quebec and I can check in with my colleagues in that region on Monday in order to gather some translated info on the results of those investigations.

The primary aspects of the employer's position in these other complaints has been the following:

Resolved 127.1 Complaint (Edmonton Institution PRA)

- Complaint resolved via alternative 'Dollarama' face shield identified and approved for use (resolution attached).

- Compliance with the IRMF and Employer's DTA;
- Approved alternative mask had the following features:
 - Breakaway clasp;
 - Anti-fogging feature.

Draft Joint Investigation to s.128 Work Refusal (Mission Institution PAC)

- Complaint has proceeded to the joint investigation stage (draft attached).

- Compliance with the IRMF;
- Guidance by SDC's IRMF v.11 memo (attached);
- Noted exceptions to wearing face shield –
 - driving a vehicle
 - ascending or descending a ladder
 - uses of force
 - running to an emergency indoors
 - working an armed post

The document also references the following exceptions when an officer has the ability to remove their mask:

- when 2 meters physical distance can be maintained at all times;
 - formal counts;
 - walking/running outdoors;
 - searching an inmates cell.
- The SDC's memo also references the ability for other exceptions to be made. These exceptions would be particular to an institution and would be discussed and documented in consultation with the local workplace health and safety committee. These locally developed exceptions can be immediately implemented on the Wardens approval following consultation with the RDC.
 - Employer had previously advised that should an officer have to temporarily remove their face shield in the course of responding to an alarm or emergency, for the purpose of maintaining their safety, it is

expected that they would don the shield at the earliest opportunity and be able to accurately justify and document the reason for removal – the Service is in agreement that this is an acceptable manner of dealing with the possible concerns an officer may have with donning a face shield during an emergency.

I hope this is useful, but I can be available to assist further as required. Just let me know who the employer representative will be who is investigating/responding and I can reach out to them as well to offer assistance.

Regards,

Ryan B. Dejneha

Regional Advisor, Occupational Health & Safety (OHS) Program - ONT / Conseiller régionale, Programme SST - ONT

☎: 613-532-1462

As a part of the Government of Canada's COVID-19 response plan, I am working remotely, and may have limited access to emails. / Dans le cadre du plan d'intervention COVID-19 du gouvernement du Canada, je travaille à distance et j'ai peut-être un accès limité aux courriels.

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From: Snedden Kevin (ONT) <Kevin.Snedden@csc-scc.gc.ca>

Sent: January 23, 2021 1:55 PM

To: Jackson Curtis (ONT) <Curtis.Jackson@csc-scc.gc.ca>; Kenyon Lesley (ONT) <Lesley.Kenyon@CSC-SCC.GC.CA>; Dejneha Ryan (ONT) <Ryan.Dejneha@CSC-SCC.GC.CA>; James Craig (ONT) <Craig.James@csc-scc.gc.ca>; Tousignant Alain (NHQ-AC) <Alain.Tousignant@CSC-SCC.GC.CA>

Cc: Mills Dr. Jeremy (ONT) <Jeremy.Mills@CSC-SCC.GC.CA>; O'Hara Tim (ONT) <Tim.OHara@csc-scc.gc.ca>; Roscoe BeLinda (ONT) <BeLinda.Roscoe@CSC-SCC.GC.CA>

Subject: RE: BCI 127 on wearing of shield

Thanks.

I would point out that the policy allows for review or exactly these issues at the IJOSH.

Also glasses are not an equal substitute as they do not cover the full face, nor do they provide additional source control or protect the medical mask, as I previously messaged.

We will work through the 127 and explain all of this again.

Kevin

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "Jackson Curtis (ONT)" <Curtis.Jackson@csc-scc.gc.ca>

Date: 2021-01-23 12:10 p.m. (GMT-05:00)

To: "Snedden Kevin (ONT)" <Kevin.Snedden@csc-scc.gc.ca>, "Kenyon Lesley (ONT)" <Lesley.Kenyon@CSC-SCC.GC.CA>, "Dejneha Ryan (ONT)" <Ryan.Dejneha@CSC-SCC.GC.CA>

Cc: "Mills Dr. Jeremy (ONT)" <Jeremy.Mills@CSC-SCC.GC.CA>, "O'Hara Tim (ONT)" <Tim.OHara@csc-scc.gc.ca>, "Roscoe BeLinda (ONT)" <BeLinda.Roscoe@CSC-SCC.GC.CA>

Subject: BCI 127 on wearing of shield

Just submitted this morning

Curtis

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: "James Craig (ONT)" <Craig.James@csc-scc.gc.ca>

Date: 2021-01-23 12:02 p.m. (GMT-05:00)

To: "Jackson Curtis (ONT)" <Curtis.Jackson@csc-scc.gc.ca>

Subject: FW: Shield 127

Sent from my Bell Samsung device over Canada's largest network.

Work Place Health and Safety (WHSC) or OSH representative Investigation

Date of 127.1 Complaint: 2020-11-17

Name of Employer Representative Committee Member Investigating: Arwin Jhand

Name of Employee Representative Committee Member Investigating: Tony O'Hara

WHSC Investigation Report - Background information:

CSC's Management Early Response Committee (MERC) met on 2020-12-08 and they developed additional mitigation strategies pertaining to COVID-19 that have been added to the current cautionary threshold routine as per the Risk Management Framework. One of the areas that has been clarified within the MERC checklist pertains to the use of face shields in 3 specific areas as follows:

Individual IPC responsibilities:

- 1) CSC employees/contractors are expected to wear a face shield when in a space with others. Any exceptions to this expectation will be discussed in consultation with the local OHS committee and approved by the institutional Head/ District Director in consultation with the RDC.

Searching inmates:

- 2) Wearing a face shield is expected during routine searches.

ETAs (security):

- 3) Escorts: Escort officers and inmates will wear medical/procedural masks.
Inmates may be required to wear a face shield.
Escorting officers may be expected to wear a face shield.

Going forward, it was determined by MERC, all staff and contractors will be expected to wear a face shield when in a space with others. It was determined by MERC our Public Health Partners have highly recommended this action to wear a face shield. Along with medical masks, Face Shields provide an important layer of protection in preventing the spread of COVID-19. Similar to masks, it was determined by MERC that when you are around other people, that is when you should wear the Face Shield. If you are in your own work space with no one else around, you don't have to wear it.



WHSC Investigation Report – Observations/Inspection: In the email sent out by Warden of Mission Institution, Shawn Huish, on 2020-12-10, it was summarized the parameters around CSC's Management Early Response Committee (MERC) recommendations regarding the expectation around the wearing of face shields. The email also reminded staff that similar to medical masks, when you are around other people, that is when you should wear the Face Shield. If you are in your own work space with no one

else around, you don't have to wear the face shield. Face Shields are NOT currently mandatory to be worn, however staff are recommended to wear them.

WHSC Investigation Report – Interviews conducted

WHSC Investigation Report – Summary of Interviews: [REDACTED] was interviewed by Tony O'Hara during this WHSC Investigation and [REDACTED] provided the following information regarding the MERC recommendation regarding face shields:

- Face shields are effective for things thrown at your face, but are not effective for viruses and aerosols. Studies have been done that have shown the ineffectiveness of a faceshield against a virus or aerosol.
- In order to require an PPE, there must be justification for its use, and in light of the above info, there isn't justification.
- A correctional officer's responsibilities are different from other staff in that a correctional officer is expected to quickly respond in an emergency, but a face shield gets in the way of responding quickly, especially if it needs to be safely donned, and then later needs to be decontaminated, cleaned, and disinfected.
- Additionally, running while wearing a face shield (for example, running to assist another staff member or to intervene in a volatile situation) is challenging due to increased difficulty breathing, the face shield fogging up, and the officer's vision being obstructed due to moisture on the face shield.
- Protocol requires a thorough washing of the face shield after its use, but that isn't feasible in the day to day routine of an officer.
- If the face shield becomes essential, emergencies will have to wait until an officer can safely don the face shield, taking valuable time away from an immediate response.
- Studies on the face shield in light of COVID show that the face shield does nothing, and that a mask, preferably an N95 mask, is best.
- The face shield seems to be cheaply made, feeling like something disposable.
- If staff and inmate safety is most important, we should be adhering to the Biolab standard.

WHSC Investigation Report – Applicable legislation and CSC policies, practices, procedures and

guidelines: Mission Institution has been previously placed in the Red Level in the Risk Management Framework (RMF) (see Annex A of this report). The RMF identifies risk management strategies to protect CSC staff and offenders against the threat of COVID-19, while respecting the law and delivering on CSC's legislated mandate. It is developed and implemented in collaboration with the National Health & Safety Policy Committee, as well with advice from internal public health experts as well as the Public Health Agency of Canada. In developing the RMF, there is a robust governance structure, comprised of various working groups that assess each of CSC's activities, including the requirements of Personal Protective Equipment such as face shields, to identify control measures, in line with the hierarchy of control principles, to develop solutions that allow for service delivery, while respecting health and safety guidelines commensurate with the level of risk. The Management Early Response Committee (MERC) establishes the level of risk and the control measures are accordingly implemented for that workplace, in consultation with the Workplace Health & Safety Committee.

Within the RMF, when an institution is in the red zone (high risk), there is a possibility that face shields will be required by MERC to be worn by all staff and possibly inmates in the institution.

Summary of COVID-19 preventive measures related to the delivery of OAT

Mission Institution is in full compliance with the RMF. The RMF was established with the input of some of the leading public health experts in the country.

All Correctional Officers have been provided with training related to proper donning and doffing procedures.

All Correctional Officers have been provided with Infection Prevention and Control training, as per CSC's National Training Standard.

Mission Institution is in compliance with CSC's Guidance on the use of face shields and personal protective equipment. All Correctional Officers are provided with and instructed to use the PPE required within those guidelines. Those guidelines were developed in consultation with the Public Health Agency of Canada and the National Health & Safety Policy Committee. As part of the guidelines, the following equipment is required.

- Non-medical masks
- Disposable gloves
- Protective eye wear/face shields (Not currently mandatory)
- Disposable gowns also available if requested

In addition, other various control measures are in place at the institution. The RMF provides strict controls for virtually all institutional activities. These strict controls serve to lower the overall risk of the institution.

Furthermore, At the time the complaint there was little direction about an officers ability to temporarily remove the mask during the course of their duties should the need arise. On 2020-11-23 memorandum, authored by Senior Deputy Commissioner Alain Tousignant, was released in conjunction with Risk Management Framework V 11. A portion of this memorandum speaks to the necessity for all institutional employees/contractors to wear face shields to be worn during times that the cautionary threshold calls for it. The memo provides examples to which where and when the shields are to be worn (space with other people, program spaces, control posts, meeting rooms, briefings, program spaces, spiritual/cultural spaces). The document also references exceptions where the face shield may be removed. These include abut are not limited to:

- 1: driving a vehicle
- 2: ascending or descending a ladder
- 3: uses of force
- 4: running to an emergency indoors
- 5: working an armed post

The document also references the following exceptions when an officer has the ability to remove their mask when 2 meters physical distance can be maintained at all times:

- 1: formal counts
- 2: walking/running outdoors
- 3: searching an inmates cell

The memo also references the ability for other exceptions to be made. These exceptions would be particular to an institution and would be discussed and documented in consultation with the local workplace health and safety committee. These locally developed exceptions can be immediately implemented on the Wardens approval following consultation with the RDC.

This information has been previously shared with [REDACTED] however he was not content with what has was provided.

WHSC Investigation Report – Analysis of danger based on ESDC IPG:

The Canada Labour code provides a definition of danger in subsection 122. The definition is defined as “any hazard’, condition or activity tat could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition be corrected or the activity altered.”

The main components of the definition are the hazard, condition and activity.

From the information provided by [REDACTED] to the OSH representatives, he has advised the danger with face shields arises from the time it takes them to respond and the effectiveness of their response due to the face shield getting in their way and fogging up for example. [REDACTED] has been previously advised by the employer should an officer have to temporarily remove their face shield in the course of responding to an alarm or emergency for the purpose of maintaining their safety, it is expected that they would be don the shield at the earliest point and be able to accurately justify and document the

reason for removal – the WHSC is in agree this is an acceptable manner of dealing with the possible concerns an officer may have with donning a face shield during an emergency.

WHSC Investigation Report – Recommendations (if any): No suggestions

X NO DANGER (UNFOUNDED) Refusal Not Permitted

It is the opinion of the Employer Representative Attestation that the imminent danger declare by the employees does not exist. This appears to be an case individual to [REDACTED] and his personal views on the suitability of the face shield. Though face shields are currently not mandatory to be worn by all staff, this may change and it is important for [REDACTED] to understand that if he is unable to adhere to the required PPE guidelines that he be able to justify and document his reasoning. It is recommended if [REDACTED] requires additional training and or information related to PPE in the workplace, he advise his immediate supervisor.

Employer Representative Investigator Attestation: [REDACTED]

Date: 2021-01-20

I, hereby certify the above information contained in the Workplace Health & Safety Committee investigation report.

Employee Representative Investigator Attestation: [REDACTED]

Date: 2020-01-20

I, hereby certify the above information contained in the Workplace Health & Safety Committee investigation report.

Klachkova, Anastasiya (CSC/SCC)

From: Sagh Barb (PRA)
Sent: November 18, 2020 4:49 PM
To: Neil Kathy (PRA)
Cc: Sears Gary (PRA); Bowman Craig (PRA)
Subject: FW: CLC S 127.1 Complaint - ██████████ Face shields
Attachments: CSC Scanned Document - Document scanné par le SCC.pdf; 20201118_140003.jpg

Hi,

This afternoon I met with ██████████ the complainant of the CLC S. 127 Re: Face Shields along with CX C. Mayer, local UCCO President to discuss resolution of his complaint.

I reminded ██████████ of the MERC recommending face shields as they provide for layered protection and that I didn't have a solution regarding his specific concerns related to the CSC provided face shield; specifically, the choking concerns of his CSC issued face shield as outlined in his complaint. I did explain that the service would support medical goggles as protective eye wear in the interim but again, reminded him they do not provide the layered protection. He accepted this alternative eye protection in place of the face shield as resolution to his complaint; but continues to believe the safety concerns related to the CSC issued face shield remain.

██████████ and CX Mayer have both agreed to evaluate the trial face shields. To date, only one kind has arrived on site; the Bauer 'integrated ball cap' face shield. Both ██████████ and CX Mayer tried the Bauer integrated ball cap and reported the same concerns as stated in his complaint. USJE local President Terry Hatto also placed this same face shield on while wearing a ball cap and reported it affected his vision and peripheral vision while wearing personal glasses as if he was in a bubble.

██████████ has observed the Dollarama Face Shields in use by some staff at the site and indicated the Dollarama shield resolves his concerns as outlined in his complaint while it provides for the layered protection with the glasses versus the head strap. He further stated it would be supported for use within operations and would be satisfied that it would effectively provide the necessary protection in alignment with the recommendations of the MERC. I further obtained confirmation from him that he would be prepared to comply with wearing the Dollarama shield pending approval that the Employer will endorse and provide the Dollarama face shields. Pending this approval, ██████████ will wear the medical goggles.

Please advise if the Dollarama Face Shield is approved as an alternative Face Shield and I will proceed with procurement of 400 Dollarama Face Shields as shown in the attached picture at \$4.00 each through COVID project code. I anticipate this would provide full resolution to the complaint.

Thanks,

Barbara Sagh
Assistant Warden Management Services | Directrice adjointe, services de question Edmonton Institution | Établissement
Edmonton
21611 Meridian Street | 21611 rue Meridian Edmonton, Alberta T5Y 6E7 Correctional Service Canada | Service
Correctionnel Canada Telephone | Téléphone: 780-472-4904
Blackberry: 306-241-4087

-----Original Message-----

From: Sagh Barb (PRA)

Sent: November 4, 2020 2:57 PM

To: 539-Institutional Management Team <539-InstitutionalManagementTeam@CSC-SCC.GC.CA>

Cc: Bowman Craig (PRA) <Craig.Bowman@CSC-SCC.GC.CA>

Subject: CLC S 127.1 Complaint - [REDACTED] Re: Face shields

Hi,

See attached CLC S. 127 filed by [REDACTED] re: Face Shields.

Barbara sagh

AWMS, EI

-----Original Message-----

From: Barb.Sagh@csc-scc.gc.ca <Barb.Sagh@csc-scc.gc.ca>

Sent: November 4, 2020 2:52 PM

To: Sagh Barb (PRA) <Barb.Sagh@csc-scc.gc.ca>

Subject: CSC Scanned Document - Document scanné par le SCC

CSC Document Attached

s.19(1)

s.19(1)

S. 127.1 CLC filed by [REDACTED] 2020-11-04 at 1:45pm submitted to CM Blais

Nature of Complaint:

Safety concerns of face shields issued by CSC for all staff to wear effective 2020-11-04 in response to the Management Early Response Committee recommendations. At CSC, staff can't wear necklaces because there is no quick release. No lanyards without quick release because an inmate can strangle us. CM Goring discussed [REDACTED] concerns with him over the face shield yesterday, 2020-11-03– and CM Goring pulled on it and it could not be pulled away. It remained a non-issue as the face shields were not issued. CSC made it clear that it's a safety concern that items issued must be able to break away and this face shield does not meet that criteria. It doesn't follow the same standards or guidelines that CSC has already deemed as safe practice. Another example is the task force created with the special Hijab, and it can break away safely.

What [REDACTED] wants to see change for resolution of his complaint

If forced to wear them, want to see a break away measure imposed on them so he cannot be strangled or dragged by this face shield. Needs some sort of safety clasp at the sides where the buttons are. No communication as to how often to clean it, how often to wear it; or disinfecting guidelines. Sent email to Manager, Health Services re: face masks; she indicated they are good for 25 uses; it's been 75 days and I had asked for additional clarity and no follow up on this PPE either.

Have you had the training RE: PPE donning and doffing? Yes, it was for the full PPE suit, but did not contain specific info for the face shield being worn routinely.

IMT has recommended the video for distribution re: Donning and Doffing relative to face shield.

Why is it okay for the CX-03s to wear safety goggles without the shield. Yes, for operation of a C8, but is not protective?

What about 40mm launcher on the range or any other firearm within an armed post? Need to put our cheek on the sight. Safety glasses mitigates all of that.

What is the broader justification for the safety shield versus the safety glasses?

Solution proposed by [REDACTED] Two parts; first would be a break away clasp on the face shields to mitigate the safety concern. Alternatively, Safety glasses for distribution– inmate is not strangling the officer with safety glasses. Can still cheek any firearm to do your job with safety glasses; if HS agrees that regular glasses mitigate the risk of droplets they can be supported as well. Safety glasses mitigate the risk to staff and does not interfere with staff gaining the correct sight in order to interfere and provide immediate intervention and response. This device could interfere with me saving an inmates life.

Submitted

[REDACTED]