

COVID-19 – Information for Health Care Workers with Underlying Medical Conditions (Updated July 14, 2020)

This memo replaces the following memos previously issued:

- April 18, 2020 memo to all health care workers “COVID-19 – Authority of OESH & IP&C Leads in Determination of staff exemptions and PPE requirements”;
- April 22, 2020 memo to all health care workers “COVID 19 – Information for Health Care Workers with Underlying Medical Conditions and Potential Risk Factors for Severe COVID-19”; and
- Associated document “Guidance for Staff and Primary Care Providers Related to Health Care Workers with Underlying Medical Conditions and Potential Risk Factors for Severe COVID-19”.

Protecting the health and safety of all health care workers during the COVID-19 pandemic is of the utmost importance and a critical imperative for health care employers in Manitoba. As a result, Manitoba’s health care employers (guided by experts in infection prevention and control and occupational health) have developed extensive safety practices and protocols in order to ensure that all employees receive adequate protection during this time.

While confident in the protections and protocols that have been implemented, the employers also have a legal obligation to advise health care workers of potential risk factors which may place some employees at a higher risk related to COVID-19. The scientific literature on COVID-19 continues to evolve and a precautionary approach to understanding the risk COVID-19 poses to such health care workers is advisable. The employers acknowledge that some employees may require accommodation during this time due to pregnancy, age, or specific medical circumstances.

Individuals Who May Require Accommodation

- People with chronic medical conditions, including but not limited to: chronic lung disease (including moderate to severe asthma), heart disease, diabetes, chronic kidney disease, chronic liver disease, cerebrovascular disease (e.g. past stroke), and significant obesity.
- People who are immunocompromised, including those with: an underlying medical condition (e.g. cancer, organ transplantation) or those taking immune-weakening medications (e.g. chemotherapy).
- People aged 65 and older.
- Pregnant women, particularly those with complications of pregnancy, including preeclampsia, anemia, advanced maternal age, obesity and post-partum hemorrhage. The following is a summary of evidence produced by the Society of Obstetrics and Gynecology of Canada (<https://sogc.org/en/-COVID-19/en/content/COVID-19/COVID-19.aspx?hkey=4e808c0d-555f-4714-8a4a-348b547dc268>). In particular, see the SOGC *Statement on Pregnant Workers during the COVID-19 Pandemic*.

Requesting Accommodation During COVID-19

The department of Occupational and Environmental Safety and Health (“OESH”) has been designated responsibility within certain sites in Winnipeg for receiving and assessing requests for accommodation in the workplace related to COVID-19. In other sites and across the province, other persons and/or departments have this responsibility. (Collectively referred to as “OESH”)

Any physicians or staff who have concerns regarding age, pregnancy, a medical condition or other personal health circumstances which may affect their ability to work safely or perform their duties during the COVID-19 pandemic, should contact the OESH branch or region or site specific designate that is appropriate for their facility.

Where an employee is requesting accommodation for reasons relating to a medical condition, the employee must provide a medical note from their Primary Care Provider (or specialist, if appropriate). This note should provide the general nature of the condition, details regarding the employee’s restrictions, and any additional information necessary to assess and support the employee’s request for accommodation. Where the general nature of the condition relates to a higher risk of more severe health outcomes related to COVID-19, the medical note provided will ordinarily be sufficient to identify a condition for which accommodation is reasonably required.

Where an employee is requesting accommodation based on age or pregnancy, medical documentation will not ordinarily be required in order to identify a reasonable need for accommodation, unless combined with a request related to an underlying medical condition or to confirm a pregnancy.

When a request for accommodation is received from a unionized employee, the employee will be advised that they have the right to representation from their union throughout the accommodation process and encouraged to contact their union representative. Where a collective agreement or other agreement between a union and employer requires the union to be notified of accommodation requests, the employer shall provide such notice to the union.

The medical note provided by an employee in support of a request for accommodation will be given serious consideration. Once the request, along with supporting documentation, has been received, OESH will review requests, supporting medical documentation, and other relevant information as part of the decision making process regarding accommodation requests. OESH may request further medical information where such information is necessary in order to assess the restrictions and the need for accommodation. OESH shall identify, in writing, the further medical information sought with reasons as to why it is requested.

OESH will work with the employee requesting accommodation, management of the facility at which the employee works, and the employee’s union, where requested to determine whether accommodation is necessary and, if so, how to best accommodate the employee. If accommodation is required, accommodation plans will be customized based on the individual employee’s needs and abilities.

Where the employer determines that due to the employee’s age, pregnancy, or medical condition, the employee is at high risk of severe complications should they contract COVID-19, the employer reserves the right to temporarily reassign the employee. The employers acknowledge that each situation is different, and decisions will be made on a case by case basis.