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## West Nile virus in the Workplace

### Ministry of Labour Qs&As

**See also:**

A Guide to the Occupational Health and Safety Act: [Chapter 7-Work Refusal](#)

Employment Standards Fact Sheet: [Emergency Leave](#)

[Ministry of Environment](#)

[Ministry of Health and Long Term Care](#)

[Health Canada](#).

#### *Q 1. What do I do if I believe that I'm likely to be exposed to West Nile virus in my workplace?*

A 1. Under the [Occupational Health and Safety Act](#), employers and workers are responsible for ensuring that their workplaces are safe. Your employer must take every precaution reasonable in the circumstances to protect workers.

If you are concerned about West Nile virus and your personal health and safety in the workplace, discuss it with your supervisor or the joint health and safety committee if there is one. Generally, a solution can be found. Your supervisor must investigate your concern.

#### *Q 2. Do employees have the right to refuse work if they believe that they are likely to be exposed to West Nile virus in their workplaces?*

A 2. Under the Occupational Health and Safety Act, employers and workers are responsible for ensuring their workplaces are safe. Your employer must take every precaution reasonable in the circumstances to protect workers.

If you are concerned about West Nile virus and your personal health and safety in the workplace, discuss it with your supervisor or the joint health and safety committee if there is one. Generally, a solution can be found. Your supervisor must investigate your concern.

If a solution can't be found or you are not satisfied with your employer's response, the Occupational Health and Safety Act gives employees the right to refuse work where

they have reason to believe their health and safety is likely to be endangered because of physical conditions in the workplace.

This is a limited right to refuse unsafe work for some workers in certain occupations, such as firefighters, police and correctional officers.

If a worker refuses to work, the employer is expected to follow the work refusal process under the Act ([www.gov.on.ca/LAB/english/hs/ohsaguide/ohsag\\_7.html](http://www.gov.on.ca/LAB/english/hs/ohsaguide/ohsag_7.html)).

If an employer feels it is safe to return to work, but the worker does not agree, the employer or the worker shall call the Ministry of Labour to investigate.

*Q 3. As a worker, what can I do to protect myself from West Nile virus?*

A 3. The chance of being bitten by an infected mosquito is very small. Person to person contact does not spread the virus. It cannot be spread directly from a bird to a human. However, as a safety precaution it is still important to minimize exposure to mosquitoes in areas that West Nile activity has been documented.

Some of the precautions that employees who work outdoors can take to minimize their exposure to mosquito bites are:

- wear protective clothing. Mosquitoes are attracted to darker, more intense colours. Subject to other safety requirements, select light-coloured clothing, including long sleeved shirts or jackets, long pants. Tuck pants into socks for extra protection.
- reduce your exposure by eliminating likely breeding sites at your workplace. Where possible, eliminate standing water in yards, grounds, parking lots, ditches and flat roofs. Example: Clean up and empty any local containers of standing water such as old tires, barrels, cans or any items of any kind that could hold standing water for any period of time outdoors.
- take particular care at dawn and dusk, when mosquitoes are most active.
- apply a mosquito repellent containing DEET or another federally approved personal insect repellent according to the directions on the label, before outdoors activities. The amount of DEET in the insect repellent should be no greater than 30% for adults and no greater than 10% for children.
- If you are unable to use DEET products, you may wish to use one of the other federally approved insect repellents.

*Q 4. What can I do to protect my employees from West Nile virus?*

A 4. The chance of being bitten by an infected mosquito is very small. Person to person contact does not spread the virus. It cannot be spread directly from a bird to a human. However, as a safety precaution it is still important to minimize exposure to mosquitoes in areas that West Nile activity has been documented.

Accurate and reliable information on protective measures is available from several key sources:

- Ministry of Health and Long Term Care (MOHLTC) [http://www.health.gov.on.ca/english/public/program/pubhealth/westnile/wnv\\_mn.html](http://www.health.gov.on.ca/english/public/program/pubhealth/westnile/wnv_mn.html)
- Health Canada <http://www.hc-sc.gc.ca/english/westnile/index.html>

Employers with joint health and safety committees or employee health and safety representatives, should review the level of risk in their particular workplaces and develop an employee training or information session, or an information bulletin to educate workers.

Some of the precautions that employees who work outdoors can take to minimize their exposure to mosquito bites are:

- wear protective clothing. Mosquitoes are attracted to darker, more intense colours. Subject to other safety requirements, select light-coloured clothing, including long sleeved shirts or jackets, long pants. Tuck pants into socks for extra protection.
- reduce employee exposure by eliminating likely breeding sites at your workplace. Where possible, eliminate standing water in yards, grounds, parking lots, ditches and flat roofs. Example: Clean up and empty any local containers of standing water such as old tires, barrels, cans or any items of any kind that could hold standing water for any period of time outdoors.
- take particular care at dawn and dusk, when mosquitoes are most active.
- apply a mosquito repellent containing DEET or another federally approved personal insect repellent according to the directions on the label, before outdoors activities. The amount of DEET in the insect repellent should be no greater than 30% for adults and no greater than 10% for children.
- An employee who is unable to use DEET products may wish to use one of the other federally approved insect repellents.

If you want more information about pesticide programs for your workplace, please review the information at the Ministry of Environment website <http://www.ene.gov.on.ca/envision/land/westnile/index.htm>, at the Ministry of Health and Long Term Care's website [http://www.health.gov.on.ca/english/public/program/pubhealth/westnile/wnv\\_mn.html](http://www.health.gov.on.ca/english/public/program/pubhealth/westnile/wnv_mn.html) , or at the Health Canada website <http://www.hc-sc.gc.ca/english/westnile/index.html>.

*Q 5. Who should pay for training, protective clothing and/or personal insect repellent?*

A 5. Under the Occupational Health and Safety Act employers must take every precaution reasonable in the circumstances for the protection of workers, but workers also share in that responsibility through the internal responsibility system and their joint health and safety committees or employee health and safety representative.

Employers are responsible for health and safety training.

Some employers provide protective clothing or other protective equipment. In other cases workers could be asked to pay for their own protective equipment to deal with the risk of mosquitoes.

*Q 6. Can I refuse to work if I feel endangered by pesticide use in the workplace?*

A 6. Under the Occupational Health and Safety Act, employers and workers are responsible for ensuring that their workplaces are safe. Your employer must take every precaution reasonable in the circumstances to protect workers.

If you are concerned about pesticide use in the workplace, discuss it with your supervisor or the joint health and safety committee if there is one. Generally, a solution can be found. Your supervisor must investigate your concern.

If you are not satisfied with your employer's response, the Occupational Health and Safety Act gives employees the right to refuse work where they believe their health and safety is likely to be endangered because of conditions in the workplace.

This is a limited right to refuse unsafe work for some workers in certain occupations, such as firefighters, police and correctional officers.

If a worker refuses to work, the employer is expected to follow the work refusal process under the Act ([www.gov.on.ca/LAB/english/hs/ohsaguide/ohsag\\_7.html](http://www.gov.on.ca/LAB/english/hs/ohsaguide/ohsag_7.html)).

If an employer feels it is safe to return to work, but the worker does not agree, the employer or the worker shall call the Ministry of Labour to investigate.

*Q 7. Can I refuse to work if I can't, or won't, wear a personal insect repellent because of health concerns?*

A 7. If you are concerned about use of a personal insect repellent in the workplace, discuss it with your supervisor or the joint health and safety committee if there is one. Generally, a solution can be found. Your supervisor must investigate your concern.

Personal protective equipment such as protective clothing/mosquito netting may be used in addition to environmental control measures to minimize the risk of mosquito bite and exposure to the West Nile virus.

An employee who is unable to use DEET products may wish to use one of the other federally approved insect repellents.

If you are not satisfied with your employer's response, the Occupational Health and

Safety Act gives employees the right to refuse work where they believe their health and safety is likely to be endangered because of conditions in the workplace.

This is a limited right to refuse unsafe work for some workers in certain occupations, such as firefighters, police and correctional officers.

If a worker refuses to work, the employer is expected to follow the work refusal process under the Act ([www.gov.on.ca/LAB/english/hs/ohsaguide/ohsag\\_7.html](http://www.gov.on.ca/LAB/english/hs/ohsaguide/ohsag_7.html)).

If an employer feels it is safe to return to work, but the worker does not agree, the employer or the worker shall call the Ministry of Labour to investigate.

*Q 8. Am I entitled to emergency leave because of West Nile virus?*

A 8. If you work for an employer that regularly employs 50 or more employees you are entitled to emergency leave if you have a personal illness, injury or medical emergency. As well you are entitled to emergency leave if certain of your relatives contract the virus.

Emergency leave is unpaid, job-protected leave of up to 10 days each calendar year. Employers are prohibited from penalizing you in any way because you took emergency leave.

(See [http://www.gov.on.ca/LAB/english/es/factsheets/fs\\_leave.html](http://www.gov.on.ca/LAB/english/es/factsheets/fs_leave.html) or call the Ministry of Labour at 1-800-531-5551 for more information.)

*Q 9. Can an employee be dismissed because they have contracted West Nile virus?*

A 9. If a company regularly employs 50 or more employees, employees are entitled to emergency leave for personal illness.

Emergency leave is unpaid, job-protected leave of up to 10 days each calendar year. Employers are prohibited from penalizing employees in any way because they took emergency leave.

For more detailed information go to the Ministry of Labour website at [http://www.gov.on.ca/LAB/english/es/factsheets/fs\\_leave.html](http://www.gov.on.ca/LAB/english/es/factsheets/fs_leave.html)



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Last modified: December 15, 2003 16:52