

Administrator Responsibilities and Rights **COVID-19 Health and Safety Measures**

Under Nova Scotia's *Occupational Health and Safety Act*, administrators, together with the EECD, Regions/CSAP, teachers and staff, have the duty to take "every precaution that is reasonable in the circumstances" to ensure the health of safety persons present and near schools, including students, other administrators, teachers and staff. While this is an important obligation, note that it is nothing new; administrators have proven over the years that they can rise to challenges and meet their safety obligations.

What is new, of course, are the risks associated with COVID-19, and the difficulty that might come with assessing precautions that are "reasonable in these circumstances." To assist administrators we provide the following information:

1. **BE INFORMED:** Administrators are not expected to act as healthcare professionals and are not in a position to assess COVID-19 risks in a vacuum. Accordingly, it is integral that administrators be familiar with and follow the guidance and direction provided through Public Health. This includes Nova Scotia's Back School Plan, individual school plans prepared on that basis as well as other school oriented guidance and direction that may come from the Office of the Chief Medical Officer of Health, the Regions/CSAP and EECD, such as the protocols for low, medium and high-risk COVID-19 exposures. This guidance and direction sets the basis for precautions reasonable in the circumstances.
2. **ENSURE OTHERS ARE INFORMED:** Part of taking reasonable precautions is providing others with the information they need. Ensure that information is continually distributed down to teachers, staff, students, and parents/guardians, as applicable.
3. **ENSURE PROTOCOLS ARE FOLLOWED:** As the leadership in the school, administrators should set the example in following protocols and, if you do not believe necessary protocols are being followed by anyone in the school, you should intervene to ensure this is corrected immediately.
4. **DANGERS/WORK REFUSALS:**
 - a. Every employee, including administrators, have an obligation to report any aspect of the school that they believe may be dangerous to someone's health and safety. The obligation is to first report this to a direct supervisor and, if not appropriately remedied to the employee's satisfaction, to the Joint Occupational Health and Safety Committee ("JOHS"). If not remedied to the employee's

satisfaction at that point, the employee is to report to the Nova Scotia OHS Division and an OHS officer will investigate and, if necessary, order steps be taken to resolve the danger or dismiss the matter.

- b. In addition, every employee who has reasonable grounds to believe that any aspect of work is likely to endanger the health or safety of any other person has the right to refuse to do that particular work. Following the same reporting process above, the employee can continue to refuse the work pending satisfactory resolution of the danger by their supervisor or the JOHS, or finally pending direction from an OHS officer.
- c. Employees are required to report dangers immediately. While there is no specific timeline for a work refusal, generally the refusal will be communicated in connection with the report.
- d. As an administrator, if anyone comes to you to report a danger in the school, you should consult any internal policies or procedures regarding workplace danger reports and work refusals to ensure those are followed. In addition, you should not hesitate to seek guidance from your own supervisor or the Regions/CSAP if you require information or resources to do so.
 - i. If you believe the danger is substantiated based on information available, take steps to address the danger, again with support from your supervisor or the Regions/CSAP if necessary. Pending resolution, measures should be implemented to ensure that no one is subject to the danger. For example, this could mean diverting walking traffic in a particular area or replacing a sanitizer station. In a worst-case scenario, a school closure could be required, but in most cases, a less disruptive solution will be available. For example, even in the case of a COVID-19 exposure in a school, current guidance is that school closure is only required where directed by Public Health.
 - ii. If you do not agree a danger is substantiated or do not address it to the satisfaction of employees, employees can continue to refuse the allegedly dangerous work pending reports to the JOHS and, if necessary, an investigation by an OHS officer. If this happens, the safety of impacted children must also be considered. Again, consult any internal policies or procedures to ensure these are followed and seek further guidance if necessary.
- e. As an administrator, you have the same obligation to report workplace dangers and, if you believe there is a danger, you should again take measures to ensure others are not exposed to that danger.
- f. You also have the same right to refuse work as any other employee. A work refusal should only be exercised if you have a reasonable belief that the performance of the work poses a danger to your health and safety or the health and safety of others. Again, it is important to ground such a decision in the guidance and direction available from Public Health.