

May 9, 2023

## Statement on the end of continuous masking in health and long-term care

Thirty one years ago today, an explosion at the Westray mine in Nova Scotia killed 26 miners. As a result, the Criminal Code of Canada was amended to strengthen protections for workers. The Government of Canada's website about the Westray law states that "**Section 217.1 of the *Criminal Code* creates an occupational health and safety duty for all organizations and individuals who direct the work of others in Canada. It requires all organizations and individuals who undertake or have the authority to direct how others work or perform a task, to take all reasonable steps to prevent bodily harm to the person performing the work or task, and to any other person.**"<sup>1</sup>

Today, in 2023, this law is being broken from coast to coast to coast, endangering all workers and all residents. Specifically, in April and May 2023 we are seeing this law broken in the healthcare sector in New Brunswick, endangering all healthcare workers.

Provincially, The New Brunswick Occupational Health and Safety Act (O-0.2) states: "Duties of employer 9(1) Every employer shall (a) take every reasonable precaution to ensure the health and safety of its employees; 9(2) Without limiting the generality of the duties under subsection (1), every employer shall (c) provide the information that is necessary to ensure an employee's health and safety;"<sup>2</sup> In neglecting to inform workers, government departments, and the public about airborne transmission, GNB is failing to abide by this act.

**SARS-CoV-2 transmits from person to person predominantly through the airborne route of transmission.** This route of transmission was emphasized by the Chief Public Health Officer of Canada Dr. Theresa Tam on November 12, 2021 - almost 18 months ago.<sup>3</sup> In March 2022, the White House Office of Science and Technology Policy released a detailed statement regarding airborne transmission, and direct ways we can reduce airborne transmission: remote work, masking, and cleaning the air.<sup>4</sup> On December 1, 2022, the Ontario Society of Professional Engineers released a set of reports detailing how COVID spreads (the airborne route of transmission) and how to effectively reduce transmissions.<sup>5</sup> Just next door in NS there is a clinical trial studying ultraviolet inactivation of airborne SARS-CoV-2 in the long term care setting.<sup>6</sup>

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<sup>1</sup> <https://justice.gc.ca/eng/rp-pr/other-autre/westray/p1.html>

<sup>2</sup> <https://laws.gnb.ca/en/ShowTdm/cs/O-0.2/>

<sup>3</sup> <https://www.canada.ca/en/public-health/news/2021/11/statement-from-the-chief-public-health-officer-of-canada-on-november-12-2021.html>

<sup>4</sup> <https://www.whitehouse.gov/ostp/news-updates/2022/03/23/lets-clear-the-air-on-covid/>

<sup>5</sup> <https://ospe.on.ca/indoor-air-quality/>

<sup>6</sup> <https://clinicaltrials.gov/ct2/show/NCT05084898>

On April 1, 2022, both POPNB and New Brunswick's pediatricians released letters directed at the healthcare leadership in this province stating that COVID is airborne. Yet not once has GNB, New Brunswick Public Health, Horizon Health Network, Vitalite, the New Brunswick Medical Society, nor any other health leader in New Brunswick ever acknowledged that COVID is airborne.

When we deny the method of transmission of a disease, our workers and our residents are left completely unprotected. Airborne transmission of COVID is no longer in doubt - it is scientific consensus.<sup>7 8</sup>

As a result of government and health leaders continuing to attempt to deny the airborne route of transmission, people in this province are facing an unjust and criminal risk of death and disability. **Workers have a legislated right to know about hazards in their workplace.** The Government of New Brunswick is the largest employer in New Brunswick, responsible for controlling the environment affecting patient and resident safety in hospitals and long term care, and environments in schools and daycares. When GNB endangers workers by breaking occupational health and safety laws, it endangers a massive number of residents of this province. It doesn't have to be this way. The law requires better. Ethics and morality require better. GNB's budget can afford better. We all deserve better. Workers, patients, long term care residents, and the public in New Brunswick have not been warned that the hazard from COVID comes from inhaling the SARS-CoV-2 virus - breathing in virus-laden aerosols (small particles that float) from the air.

**Because the government has neglected to inform anyone of the nature of the hazard (airborne spread), effective policies against the spread of disease (continuous masking) are being abandoned.** Workers have died and will continue to die as a direct result of this neglect and resulting unscientific policies. Patients have died and will continue to die as a direct result of this neglect and resulting unscientific policies. Long term care residents have died and will continue to die as a direct result of this neglect and resulting unscientific policies.

Hospital-acquired or nosocomial COVID infections have a significantly higher fatality rate than infections acquired in the community. GNB claims that it does not track hospital-acquired COVID infections. However, Nova Scotia does, and they reported 26 hospital-acquired COVID infections last week. Recent reports from Australia show a 7-10% fatality rate associated with hospital-acquired COVID infections. Why is NB not tracking hospital-acquired infections?

Asymptomatic infections were often discussed in 2020, but it is as if people have forgotten about this feature of COVID. People can transmit COVID to others even though they feel well.

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<sup>7</sup> Lazarus, J.V., Romero, D., Kopka, C.J. *et al.* A multinational Delphi consensus to end the COVID-19 public health threat. *Nature* 611, 332–345 (2022).  
<https://doi.org/10.1038/s41586-022-05398-2>

<sup>8</sup> Lidia Morawska et al., COVID-19 and Airborne Transmission: Science Rejected, Lives Lost. Can Society Do Better?, *Clinical Infectious Diseases*, 2023;, ciad068,  
<https://doi.org/10.1093/cid/ciad068>

Horizon's policy asking workers to mask if they feel ill will not address asymptomatic infections and the resulting transmissions. The previous continuous masking policy did reduce transmission arising from asymptomatic cases, which are not rare.

Finally, the Government of New Brunswick, including Public Health, received over 30 direct communications from PHAC, CADTH, and the Office of the Chief Science Advisor regarding the long-term risks of COVID infections beginning in July 2020. Select government employees in NB have known about the risks, such as long COVID, for years - yet workers have never been warned.<sup>9 10</sup>

On this anniversary of the Westray mine disaster, we call on GNB to abide by Occupational Health and Safety laws by informing workers that COVID is airborne and that long-term consequences of even mild COVID infections are not rare. The government has regularly received high-quality information from the most reputable health agencies in the nation. What the government has criminally failed to do is to inform workers and residents of this information. This negligence has killed New Brunswickers, and with the abandoning of continuous masking, it will kill and disable even more of us.

COVID is airborne. Long COVID is not rare. Excess mortality in Canada continues to occur due to the ongoing unmitigated airborne pandemic. We all deserve accurate information from our governments to inform healthcare policy and protect the health and safety of workers and the public.

Protect our Province New Brunswick (POP NB)

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<sup>9</sup> <https://protectnb.ca/rti.html#2848>

<sup>10</sup> <https://ised-isde.canada.ca/site/science/en/office-chief-science-advisor/initiatives-covid-19/post-covid-19-condition-canada-what-we-know-what-we-dont-know-and-framework-action>