

Who is in charge during an influenza pandemic?

FACT SHEET FOR HEALTH CARE PROVIDERS

This fact sheet provides information to the health care sector about who is in charge during a pandemic.

Is there one person who will be in charge of everything during an influenza pandemic?

A pandemic cuts across all aspects of our lives and it is important to bring experts together to address the range of issues that we will face. There are two sets of circumstances affecting the health sector around a pandemic: the time prior to a declaration of a provincial emergency; and once a provincial emergency is declared:

- Prior to a declaration, the Chief Medical Officer of Health (CMOH) will provide overall direction to the health sector. This can include the issuing of directives. The local Medical Officer of Health continues to provide for the local management of any outbreak in his/her jurisdiction.
- Once a provincial emergency has been declared, the Cabinet will look to the Chief Medical Officer of Health for advice on matters relating to the management of the outbreak from a health perspective.

On issues affected by the pandemic but beyond the expertise of the Chief Medical Officer of Health, the Premier may consult with the Commissioner of Emergency Management, among other experts.

If there is a conflict between a directive from the Chief Medical Officer of Health and an emergency order from the Lieutenant-Governor in Council (i.e., Cabinet) or Commissioner of Emergency Management¹, the emergency order prevails.

I work in health care. From whom do I get my direction?

As indicated above, there are many people who come together to respond in any emergency, including an influenza pandemic. Of particular interest to the health sector is the following:

The **Chief Medical Officer of Health** will use the full range of his or her powers under the *Health Protection and Promotion Act*, including providing directives to all health care providers and health care entities.

The local **Medical Officer of Health** will exercise the full range of his or her powers under the *Health Protection and Promotion Act* at a local level to address the situation in his/her jurisdiction. Additional direction not captured by the directives of the Chief Medical Officer of Health and reflecting the local conditions may be provided by the local Medical Officer of Health. In all cases, and in the event of any conflict, a directive from the Chief Medical Officer of Health prevails.

1. The EMCPA refers to the Commissioner of Emergency Management who in times of non-emergency is the Commissioner of Community Safety.

With regard to directives from the Chief Medical Officer of Health, the local Medical Officer of Health will advise the local municipality and the health sector on the *timing* of implementation of directives if immediate implementation is not required. For example, the directive for implementation may be worded for implementation "*when the outbreak is active in your community*" and the local Medical Officer of Health will identify that point in time.

Health care employers, consistent with their responsibilities under the *Occupational Health and Safety Act*, will follow the directives of the Chief Medical Officer of Health and the timing of implementation, when that is relevant, and the supplementary direction of the local Medical Officer of Health.

Employees in health settings will follow the direction of their employers and supervisors subject to the *Occupational Health and Safety Act*.

Self-employed health care workers will follow the directives of the Chief Medical Officer of Health and the timing of implementation, where that is relevant, and the supplementary direction of the local Medical Officer of Health subject to the *Occupational Health and Safety Act*.

In all cases, the *Occupational Health and Safety Act* continues to apply in a pandemic situation.

Will direction come from anywhere else?

The Lieutenant-Governor in Council (i.e., Cabinet) may issue emergency orders to municipalities and individuals in the event of a declared provincial emergency. The Lieutenant-Governor in Council (i.e., Cabinet) may delegate this power to the Commissioner of Emergency Management or a Minister.

The Ministry of Labour may enforce the *Occupational Health and Safety Act* against employers, supervisors or workers at any time during an emergency.

What if the directive contradicts the Occupational Health and Safety Act?

If a directive from the CMOH or an order issued in a provincial emergency conflicted with the *Occupational Health and Safety Act* or a regulation made under it, the OHSA or the regulation would prevail over both the *Health Protection and Promotion Act* and *Emergency Management and Civil Protection Act*.

Are there other sources of advice on the pandemic at the local level?

At the local levels, advice, strategies and best practices may be developed which do not have the force of a "*directive*," but are local undertakings to reflect local conditions. These could include identifying the best location for flu centres, common approaches to screening at the workplace, etc.

For more information

Visit our website at:

www.health.gov.on.ca/pandemic

Or call

INFOLine 1-866-801-7242