

# Saskatchewan State of Emergency - March 18, 2020

## CDSS Direction to Membership

- CDSS members need to understand that, **as per legal counsel**, ‘the Dental Disciplines Act **does not provide the CDSS** the authority **to order** a closure of all dental facilities in a province or in an area as a result of a public health emergency. This power is given solely to designated “medical health officers” pursuant to *The Public Health Act, 1994*.’ For this reason, the CDSS **can not mandate** suspension of all dental services as requested by several CDSS members. The strongest language CDSS can use is **“strongly recommend”**. The CDSS has communicated **several times** that individual dentists are fully capable of suspending dental services and closing their offices or reducing their services to protect the public.
- CDSS members are considered healthcare workers and as such **are obliged** to follow all Saskatchewan Health advisories, particularly the Chief Medical Health Officer (CMHO), with regards to dental office protocols and mandated closures. **The CDSS will ALERT dental professionals as information from the CMHO becomes available.**

## Saskatchewan Dental Office Status

- Dental offices should implement a **pre-screening risk assessment for ALL emergency patients’** appointments. All practice standards including IPC **must** be maintained or operations must cease.
- **All Saskatchewan dentists** are required to maintain contact information for patient dental emergencies. A dental emergency exists if professional judgement indicates that a person needs immediate attention to address oral trauma, pain, infection, bleeding or other associated medical complications. **CDSS is developing a resource for members to manage dental emergencies during this pandemic.**

## Staff and Human Resources

- **As posted on the CDSS Homepage:**
  - **The Saskatchewan Employment Act** imposes upon every employer an obligation to ensure, insofar as is reasonably practicable, the health, safety and welfare at work of all of the employer’s workers. This obligation includes a requirement to take reasonable preventative steps to ensure that the **health, safety and welfare of employees is not harmed by an infectious disease such as COVID-19 in the course of their employment.** What constitutes “reasonable” steps will depend on the nature of the workplace (for instance, whether the employees interact with members of the public, whether tools or electronics are shared with other workers, whether employees have an ability to work remotely).
  - **Workers in Saskatchewan have the right to refuse to perform unsafe work if the employee has reasonable grounds to believe that the work is unusually dangerous to their health or safety (or the health or safety of any other person at the place of employment.**
  - Generally speaking, and as with any other illness, if an employee discloses that they are not feeling well or are showing symptoms which are consistent with COVID-19, it is reasonable for the employer to request that the employee refrain from reporting to

work until they are well. In addition, the employer should have regard for the latest provincial and federal directions regarding the self-isolation of employees who have travelled or been in contact with others who may have been exposed. In some cases, it may be possible to allow the employee to work from home during a period of minor illness or self-isolation.

- An absence due to COVID-19 should be handled the same as any other absence due to illness. Under *The Saskatchewan Employment Act*, an employee is generally not entitled to be paid while absent from work; however, some employees have entitlement to paid sick leave under a workplace policy, collective agreement or other employment contract. The Saskatchewan Employment Act protects the jobs of employees who are absent from work due to illness or serious illness for up to 12 weeks. In addition, The Saskatchewan Human Rights Code, 2018 protects employees from discrimination on the basis of a prohibited ground, including disability. **We strongly recommend that employers seek out legal advice specific to their situation before making any long term decisions with respect to their employees.**
- **Federal EI support:** Click [HERE](#)
- **Provincial Employment Act changes made March 17:** Click [HERE](#)
  - to remove the requirement of 13 consecutive weeks of employment with the employer prior to accessing sick leave;
  - to remove the provision requiring a doctor's note or certificate;
  - and introduction of a new unpaid public health emergency leave that can be accessed:
  - when the World Health Organization has determined that there is a public health emergency and the province's chief medical health officer has also issued an order that measures be taken to reduce the spread of a disease;
  - or the province's chief medical health officer has independently issued an order that measures be taken provincially to reduce the spread of a disease where it is believed there is sufficient risk of harm to citizens of the province. The orders would also be made public to ensure everyone is aware of the direction.
  - The amendments would be retroactive to March 6, 2020.

### **Pandemic Insurance**

- CDSPI has advised that they have received many inquiries asking whether the Provincial Dental Body recommendations are sufficient to trigger TripleGuard™ Insurance plan coverage related to a pandemic outbreak. At this time, we want to clarify that the recommendations do not qualify as the condition required for TripleGuard™ Insurance plan coverage. **It must be based on an order from a “civil authority or public health official.”** In that case, if access to your premises is prohibited by order of civil authority or public health official as a direct result of a “pandemic outbreak” (as defined in the policy), you may become eligible to claim up to \$1,000 per day after the first 24 hours (up to a \$20,000 aggregate annual limit). The specifics of each circumstance need to be fully understood before definitive claims advice can be given.
- CDSPI message from the President: Click [HERE](#)