



Amalgamated Transit Union

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March 24, 2020

Dr. Barbara Yaffe
Associate Chief Medical Officer of Health
Ministry of Health
393 University Avenue, 21st Fl
Toronto, ON M5G 2M2

Dear Dr. Yaffe,

I am an elected International Vice President of the Amalgamated Transit Union. I write to share grave concerns of my Union and its members who work in public transit, and particularly those employed by Metrolinx. Specifically, I wish to raise two broad issues:

- 1) the failure by Toronto Public Health to communicate with workers and their representatives concerning the public safety risks faced by front line workers;
- 2) what appears to be a cavalier and dangerous approach to front line worker safety in the transit industry in particular;

As an ATU International Vice President, I represent a broad range of transit workers working for various transit employers across Ontario and Canada. Amongst my responsibilities include representation of more than 2,000 ATU workers employed by Metrolinx.

I am in receipt of a memorandum authored by you and directed to the attention of Phil Verster, Chief Executive Officer of Metrolinx, detailing a range of discussions you have had with him in recent weeks. It would appear from this document that these discussions have resulted in Personal Protective Equipment previously promised to frontline transit operators having been diverted elsewhere.

I am gravely concerned that the manner in which this Personal Protective Equipment has been diverted from frontline transit workers is liable to result in an increase in illness amongst transit workers, their families and the public. This is not acceptable.

FAILURE TO COMMUNICATE

I am to date unaware of any contact between the Amalgamated Transit Union or its Locals and the Ministry of Health in any form. The only contact we have had from the Province in relation to the present crisis has been in the form of a conference call with the Minister of Transportation who conducted a conference call to solicit our concerns. That contact occurred only after I had contacted the Premier's office about health and safety issue in public transit generally and Metrolinx in particular.



Since reaching out to the Premier's office I have become aware that you have been engaged in direct discussions with Mr. Verster. I note that in the wake of your discussions with Mr. Verster, Metrolinx reneged on a commitment made to the ATU and its members to provide n-95 masks to those persons working within six feet of persons who are possible/likely positive for COVID-19.

I object in the strongest terms to Public Health engaging in communications with employers while failing to include in those discussions, the elected representatives of the affected front line workers. Our members are risking their own health and the health of their families every day at work.

Not only were workers' representatives excluded from your discussions with Mr. Verster, there has been previously or subsequently no consultation by your office with workers representatives from your office in any form.

PERSONAL PROTECTIVE EQUIPMENT

As you are no doubt well aware, in the aftermath of health worker infections and fatalities during the SARS outbreak, Mr. Justice Archie Campbell writing for the SARS Commission stated:

"Perhaps the most important lesson of SARS is the importance of the precautionary principle. SARS demonstrated over and over the importance of the principle that we cannot wait for scientific certainty before we take reasonable steps to reduce risk. This principle should be adopted as a guiding principle throughout Ontario's health, public health and worker safety systems."

SARS Commission Report, Vol 1, Spring of Fear, p 24.

Both the International Association of Public Transit, UTIP and the Canadian Urban Transportation Association identify public transit as a high risk environment in the context of COVID-19. This is because of:

- 1) the high number of people in a confined space with limited ventilation;
- 2) no access control to identify potentially sick persons;
- 3) a variety of common surfaces to touch (ticket machines, handrails, door knobs, etc.).

Recognizing the high risk nature of public transit, I began communications with Metrolinx before COVID-19 was identified as a pandemic, seeking assurances that Metrolinx was procuring a supply of n-95 masks to protect frontline public transit workers.

In response, I was advised that Metrolinx had procured a stock of n-95 masks before COVID-19 for use in such a crisis by frontline public transit workers.

Subsequently, I obtained a commitment from Metrolinx that our frontline staff would be fit tested for those masks and that they would be distributed for use by our members.

However, it now appears that as a result of communications you had with Mr. Verster those masks will not be distributed to frontline public transit workers and that those masks are not available to front line transportation workers as they have been "donated".

I note that the workers those masks were intended to protect had no say, input or advance knowledge of their "donation".

The situation in Ontario may be sufficiently grave such that masks intended for frontline transit workers are required to be redirected to healthcare workers. We accept that this may be the case. However, I would suggest that there needs to be an honest discussion about this reality rather than maneuvers behind the backs of the workers whose PPE is being "donated" or requisitioned.

I have had an opportunity to review the advice you provided Mr. Verster. I am concerned that this advice was given without your office having been provided with all relevant facts.

First, none of the measures you propose be taken before personal protective equipment be used are applicable to GO buses.

GO buses continue to run and have been identified as an essential industry by the government of Ontario. It is not possible to "engineer" a separate compartment for bus drivers. Partial barriers between bus drivers and the public may be possible to engineer, but this takes time. In the interim workers will be exposed to community transmission of COVID-19.

GO buses have only one entrance/exit. It is not possible to keep the public six feet away from GO bus drivers during either entry or exit from a GO bus. I note other large transit authorities, like the Toronto Transit Commission, have dragged their feet on this issue even where entry/exit from rear doors is possible.

Nor is it possible to screen the public boarding busses for COVID-19. Even were such screening possible, it is my understanding that there is ample evidence of asymptomatic transmission of the illness.

Given that none of your proposed measures are applicable to GO Bus operators, I would ask why are drivers not being provided PPE in the form of masks immediately.

The precautionary principle identified by Justice Campbell clearly favours use of n-95 masks. Regardless of any dispute over which kind of mask should be used, it appears that Mr. Verster acting in concert with you and your office has engineered a situation where frontline public transit staff must interact in close proximity to infected persons with no personal protective equipment whatever.

SUMMARY AND NEXT STEPS

Ontario's transit workers are doing our part. We continue to serve the public and ensure transportation remains available to those who require it. We are entitled and expect to be part of the discussion and decision making process on our own health and safety.

The ATU recognizes the work Public Health is doing and the extraordinary workload you have at this time. However, excluding representatives of the persons doing the work from these discussions is not appropriate or safe. Front line workers have valuable insights and information which can improve safety for all.

To this end, I would request your office make itself available for a video conference/teleconference to be held immediately with senior ATU representatives to discuss public and worker safety in the public transit industry.

In advance of such a meeting, I further request that you immediately advise Mr. Verster that Metrolinx should immediately provide PPE in the form of masks (surgical or N-95) to all frontline staff who are unable by virtue of the performance of their duties to maintain a distance of six feet from the public.

Given the increasingly urgent calls for all Ontarians to maintain a physical distance of six feet from one another, the lack of steps being taken to distance frontline transit staff from the general public are ridiculous and concerning.

Given the importance of this issue to all Ontario transit workers, I would appreciate your earliest possible reply.

Yours truly,



Manny Sforza
International Vice-President
Amalgamated Transit Union