

Nurses' Union Lose Bid to Widen COVID-19 N95 Respirator Directive



In the early days of the pandemic, the Ontario Chief Public Health Officer issued a directive that healthcare workers be equipped with N95 respirators to protect against exposure to aerosols containing the coronavirus. The nurses' union claimed that the directive was based on out-of-date science and needed to be revised to cover risks beyond aerosol transmission. But the Ontario court let the order stand. As a piece of 'quasi-legislation,' the directive commanded significant deference and shouldn't be overturned unless the nurses could prove it was unreasonable. In this case, the evidence showed that the Officer was aware of and considered the nurses' scientific arguments in crafting the directive [*Ontario Nurses' Assn. v. Chief Medical Officer of Health (Ontario)*, 2021 ONSC 5999 (CanLII), September 29, 2021].