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## Sikh Health Care Worker COVID-19 Related PPE Accommodation

The COVID-19 pandemic has changed the way health care workers (“HCW”) provide treatment and protect themselves. During this time, many Sikh HCWs who maintain uncut hair as a tenet of their faith have been asked to remove their facial hair in order to be fitted with N95 respirators and to comply with workplace regulations. This is because N95 respirators cannot form a seal where the wearer has facial hair. There are alternative options available for practicing Sikhs and impacted HCWs must be accommodated.

### **COVID-19 PPE GUIDANCE**

- Health care workers should follow droplet/contact precautions when screening, entering a patient’s room, or providing direct care to patients suspected or confirmed to have COVID-19. This requires use of a surgical mask, isolation gown, gloves and eye protection<sup>1</sup>.
- N95 respirators should not and are not required to be used by providers caring for COVID-19 or suspected COVID-19 patients unless the patient is undergoing an aerosol generating medical procedure (“AGMP”)<sup>1</sup>
- AGMPs should be avoided in suspected or confirmed COVID-19 patients. Where these procedures must occur based on clinical judgment, airborne precautions must be taken. HCWs who work in environments where there may be a need to perform AGMPs will need to wear N95 respirators or greater protection<sup>2</sup>.
- An alternative to the N95 respirator that is effective for individuals with facial hair is the Powered Air-Purifying Respirators (“PAPR”). The PAPR provides equivalent or greater protection to the N95 and provides coverage of the wearer’s face regardless of facial hair or any other facial irregularity<sup>3</sup>. PAPRs are however much more expensive than N95 respirators and are in limited supply.

## **GUIDANCE FOR SIKH HCW**

Sikh HCWs who require this elevated protection may find themselves being asked to remove their facial hair or have their job duties significantly altered or suspended. While this document is not a substitute for legal advice, it is our intention to provide Sikh HCWs information to help them make informed decisions regarding their professional duties in light of their religious beliefs.

- In almost no circumstance can an employer dismiss a Sikh employee for refusing to remove facial hair.
- Despite the unprecedented COVID-19 pandemic currently facing employers, the duty to accommodate as required by human rights law is not deferred or suspended. Employers must continue to accommodate religious practices to the standard of undue hardship. That having been said, it will be a fact-based analysis to determine whether accommodating Sikh HCWs would be an undue hardship based on the situation. Only where accommodation would result in the potential of real and significant harm or the accommodation would result in a financial burden that would affect operations might the employer be justified in refusing to accommodate
- It is advisable for Sikh HCWs to proactively and pre-emptively inform their employer, in writing, of their religious practice of maintain facial hair and that it cannot be removed. Maintain a record of your request for accommodation and subsequent communication.
- Sikh HCWs should enquire whether a PAPR can be made available for their use, if necessary, and if none are available, that PAPRs be procured. It may also be an option for Sikh HCWs to purchase their own PAPRs.
- The employer may place Sikh HCWs on altered duties or take them off the frontline in dealing with COVID-19 patients. This is not the optimal accommodation available and is not a suitable alternative to procuring PAPRs, however it may be justified where PAPRs are not immediately available. In the current crisis, orders for PAPRs may be backlogged and may take time to fill. Where duties are altered as an accommodation, they should be as minimally changed as is possible and still attempt to allow the Sikh HCW to use their skills and knowledge to serve patients.
- Given that it is unclear how long the current COVID-19 crisis will last, it is important that employers do their utmost to accommodate Sikh HCWs so that they can effectively and safely perform their duties without compromising their religious beliefs. Once again, the standard of undue hardship is a very high standard and requires significant effort to meet.

## HELPFUL RESOURCES:

Aerosol Generating Medical Procedures (lists will vary based on provincial or territorial guidance):

- Cardio-pulmonary resuscitation (this is considered a high-risk procedure and should only be embarked upon where there is a reasonable prospect of success)
- Intubation, extubation and related procedures e.g. manual ventilation and open suctioning
- Tracheostomy
- High frequency oscillating ventilation
- Bronchoscopy (Diagnostic or Therapeutic)
- Sputum induction (Diagnostic or Therapeutic)
- Open suctioning (e.g. “deep” insertion for nasopharyngeal or tracheal suctioning, not inclusive of oral suction)
- Non-invasive positive pressure ventilation (CPAP, BiPAP)
- CPAP/BiPAP for obstructive sleep apnea
- Large volume nebulizers for humidity
- Administration of aerosolizing or nebulizing medications
- High flow oxygen therapy
- Autopsy
- Nasopharyngoscopy
- Oral, pharyngeal, transphenoidal and airway surgeries (including thoracic surgery and tracheostomy insertion) (tracheostomy should be avoided if possible).
- High frequency oscillation ventilation (suggest avoid where possible)
- Needle thoracostomy

The Centre for Disease Control’s list of NIOSH approved PAPRs can be found [here](#).

If you require assistance in finding an accommodation that is suitable, the WSO is here to help. You can email us at [info@worldsikh.org](mailto:info@worldsikh.org).

## References

<sup>1</sup> [https://www.oha.com/Bulletins/Personal%20Protective%20Equipment%20use-COVID-19\\_Released\\_March\\_30\\_2020.pdf](https://www.oha.com/Bulletins/Personal%20Protective%20Equipment%20use-COVID-19_Released_March_30_2020.pdf)

<sup>2</sup> <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/health-professionals/infection-prevention-control-covid-19-second-interim-guidance.html#a8.5>

<sup>3</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4456839/>