



# COVID-19: Workplace Issues

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**MARCH 16, 2020**

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COVID-19 and public health authority's response is evolving on a minute-by-minute basis as the incidence of the virus spreads and public health authorities implement the next level of response.

The Public Health response balances the protection of individual and community health and social and economic factors.

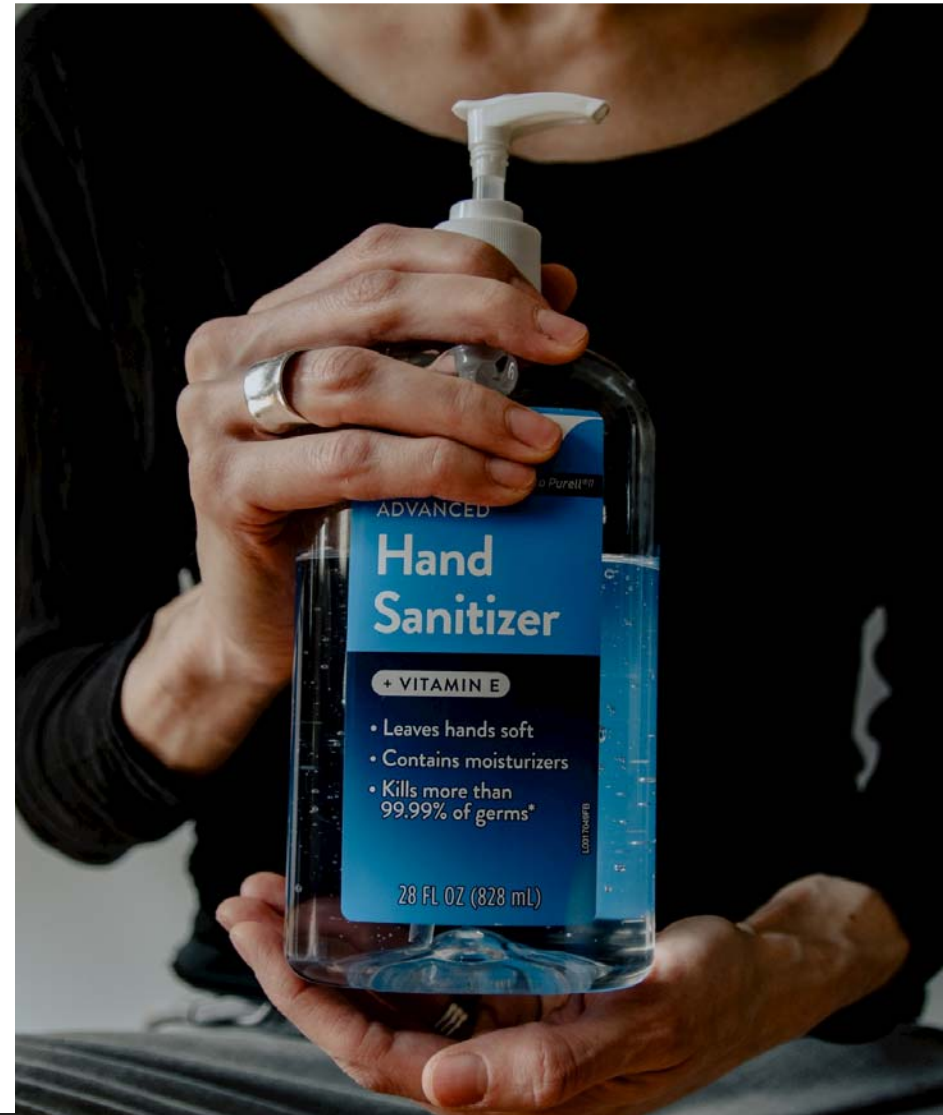
## Agenda

- **General information and Guidelines**
- **Questions regarding the workplace**
- **Resources**
- **Questions**

# General Information

## Spreads by droplets:

- **Sneezing**
- **Coughing**
- **Two meter range**



## General Information

**Symptoms are akin to a cold or flu; range from mild to severe**

**Symptoms can include:**

- **fever**
- **cough**
- **difficulty breathing**



# General Information

## Complications:

- **pneumonia**
- **kidney failure, and**
- **in some cases, death**
  - **elderly and persons with preexisting health problems**



## General Guidelines for Precautions

### **Measures to prevent the spread of the COVID-19 virus:**

- **frequent hand washing**
- **increase frequency of cleaning of frequently touched surfaces**
- **respiratory etiquette: use Kleenex and cough into sleeve and avoid touching eyes, nose or mouth**
- **self-isolation when ill, and for 14 days upon return from out of the country**



## In the Workplace

**Evaluate the workplace to identify exposure risks and mitigation approaches.**

- **increase spatial separation between desks and workstations as well as individuals (e.g., employees, customers) from each other,**
- **2 meter separation, unless there is a physical barrier (e.g., cubicle, Plexiglas window).**

# In the Workplace

- **Increase frequency of cleaning of frequently touched surfaces**
  - **phones, elevator buttons, computers, desks, lunch tables, kitchens, washrooms, cash registers, seating areas, surface counters, customer service counters, bars, restaurant tables/menus)**
- **Provide additional tissues and access to handwashing facilities and place hand sanitizing dispensers in prominent locations throughout the workplace**
- **Adjust policies and procedures to reduce social contact, such as teleworking arrangements, flexible hours, staggering start times, use of email and teleconferencing**
- **Business travel, employers be aware of the latest information on COVID-19 affected areas and any travel health advisories**

# In the Workplace

- **Suspend the need for medical notes to return to work**
- **Develop a business continuity plan, to maintain key business functions if faced with high absenteeism.**
- **Cross-train personnel to function in key positions. This is an important element of Business Continuity Planning**
- **Workplace and community setting closures considered, based on local conditions and a risk assessment (Check with your Local Public Health Unit)**

# Mass Gatherings

- **Assess whether to restrict, cancel postpone, or rearrange a mass-gathering event based on risk assessment in consultation with local Public Health Authority**



Measures to reduce the risks posed by mass gathering events include:

- **Provide clear communication about the risks and advise people on how to protect themselves and others to reduce virus transmission.**
- **Require that ill or those with high-risk medical conditions not attend gatherings**
- **Increase social distancing (ideally separation of at least 2 meters, not shaking hands,**
- **Support frequent hand hygiene by providing hand sanitizers dispensers at prominent locations**
- **Eliminating self-serve buffet style eating at social/religious gatherings**
- **Discourage attendees from sharing food or drinks**

# Employer Questions

- 1. Can employers require employees to self-quarantine and not come to work?**
- 2. Can an employee refuse to work if they believe that there may be exposure to COVID-19 in the workplace?**
- 3. Can an employer require employees to disclose their travel plans?**
- 4. Must an employer compensate an employee for time away from work due to the coronavirus, including if the employee is away due to quarantine or to take care of an affected family member?**
- 5. What are the risks of not paying employees who cannot report to work for reasons related to the coronavirus?**
- 6. Other Issues employers should remain attentive to at this time?**
- 7. Do employers need to have a 'Pandemic Policy'?**

1. Can employers require employees to self-quarantine and not come to work?

## **Generally speaking, yes**

- **Both employers and employees are required to maintain a safe and healthy work workplace**
- **If an employee has symptoms, has been in contact with, or has reason to believe they may have been in contact with someone who has symptoms of COVID-19 they should be denied access to work and directed to contact their doctor or local public health unit**
- **Information about local health units can be found here: <http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>**
- **If an employee is a under a public health authority self-quarantine or mandated quarantine then you must allow the employee to stay home, or require that the employee not come to work**

2. Can an employee refuse to work if they believe that there may be exposure to COVID-19 in the workplace?

**Employees who believe that a condition in the workplace is likely to endanger their health or safety can refuse to work under the Occupational Health and Safety Act.**

**An employer cannot threaten to discipline an employee who refuses to work on this basis and must comply with employer obligations under applicable occupational health and safety legislation.**



2. Can an employee refuse to work if they believe that there may be exposure to COVID-19 in the workplace?

- **An employer must investigate the situation immediately and attempt to work out a satisfactory resolution with the employee**
- **If that is not possible, the employer must notify a Ministry of Labour inspector or officer, as required by provincial legislation**
- **Alternatively, at this time, people are not being told to not ride the subway and are not being told not to attend at work**
- **If an employee does not want to come into work, and he is not able to work from home, he can go on unpaid leave and use vacation if available, or banked OT if available**
- **If not diagnosed as being ill he does not have entitlement to any sick benefits.**

### 3. Can an employer require employees to disclose their travel plans?

- **An employer cannot prohibit employees from visiting any area during their personal time**
- **Business and personal travel should comply with the government and public health authority directives**
- **Employers may require employees to disclose personal travel information, and self-quarantine upon their return to Canada.**
- **Inform your employees of the Government of Canada's Travel Advice and Advisories web page: <https://travel.gc.ca/travelling/advisories>**
- **Inquire as to whether they have been screened by border entry and/or public health authorities and are following the directions that were given to them by Health Canada and Health and Wellness Ontario**

4. Must an employer compensate an employee for time away from work due to the coronavirus, including if the employee is away due to quarantine or to take care of an affected family member?

**Generally speaking, no, but...**

**Consider:**

- **An unpaid leave may cause employees to attend work, which could result in a potential contamination of your workforce**
- **Employees should not feel that they will be penalized for failing to come to work**
- **Enabling the employee to work from home while in quarantine, or to tending to a family member who is in quarantine**
- **Allowing employees to use vacation days, lieu days or other leave provisions**
- **Offering employees time off under sick leave or short-term disability**
- **Check with your benefit provider regarding any circumstances that would render an employee ineligible for benefits under a plan, and act accordingly. Particularly in regard to travel**
- **Keep up to date on what the various governments are doing in regard to employment insurance and other financial support**
- **Temporary Layoff – Maintain benefits - Get legal advice**

5. What are the risks of not paying employees who cannot report to work for reasons related to the coronavirus?

- **May impact morale, retention and possibly affect recruitment**
- **An employee may claim that constructive dismissal. Assess on a case-by-case basis**
- **Human rights implications**
  - **Disability: SARS was found by the Ontario Human Rights Commission as a "disability". Family status. Assess on a case-by-case basis**
- **Consider relaxing policies and practices to accommodate employees as best you can**

6. Other issues employers should remain attentive to at this time?

- **Privacy concerns: collected information should be kept safely and separately. Personal information should not be disclosed, except as required by law or with the employee's express consent. Follow your privacy policy or communicate that information will not be disclosed except as required by law**

## 7. Do I need to have a ‘Pandemic Policy’?

- **No obligation to have an official ‘Pandemic Policy’**
- **Keep informed of new developments and information as it is made available. Follow the guidance and direction provided by public health authorities**
- **Consider appointing a coordinator to be responsible for tracking and communicating the latest developments of COVID-19**
- **Existing policies may have to be amended or relaxed**
- **New policies or changes to existing policies should be clearly communicated to employees as soon as possible**
- **Keep employees informed about your company policies regarding:**
  - **restrictions or disclosure requirements**
  - **guidelines for every-day precautions**
  - **reporting of relevant symptoms**
  - **travel**
  - **quarantines and isolation periods**

# Resources

- **COVID-19 Self-Assessment Tool.** <https://www.ontario.ca/page/2019-novel-coronavirus>
- **Contact your family doctor; Telehealth Ontario at 1-866-797-0000 or local public health unit if experiencing symptoms of the 2019 novel coronavirus**
- **A downloadable poster for home use that provides a colourful graphic reminder of prevention practices is available at** <https://files.ontario.ca/moh-coronavirus-pec-poster-en-2020-03-09.pdf>
- **The Public Health City of Toronto pdf: Guidance for Workplaces/Businesses and Employers:** [https://www.toronto.ca/wp-content/uploads/2020/03/9538-Fact-Sheet-for-Workplaces-Non-Healthcare\\_final.pdf](https://www.toronto.ca/wp-content/uploads/2020/03/9538-Fact-Sheet-for-Workplaces-Non-Healthcare_final.pdf)
- **Government of Ontario and Government of Canada web pages with the most up-to-date information on the COVID-19 outbreak.**
- **Health Canada:** <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection.html>
- **Health and Wellness Ontario:** <https://www.ontario.ca/page/2019-novel-coronavirus>

# Questions?

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