

Ontario Government Provides Updated Guidance on COVID-19 Workplace Safety

Date: January 27, 2021

Original Newsletter(s) this article was published in: Employment Update: January 2021

In the [January 2021 What's New newsletter](#), the Ontario Ministry of Labour, Training and Skills Development ("MOLTSD") modified and added the following guidance to support employers in developing their COVID-19 safety plan and to provide guidance on how to make their workplaces safer. The newsletter includes an updated safety plan guide, updated construction sector guidance, new guidance on meal and break periods, new guidance on self-isolation and return to work and new workplace screening tools.

SAFETY PLAN GUIDE UPDATE

When the province updated the COVID-19 Response Framework in November 2020, it required all businesses permitted to remain open to prepare a safety plan describing the measures and procedures which have been implemented or will be implemented in the business to reduce the transmission risk of COVID-19. Pursuant to [Ontario Regulation 82/20: Rules for Areas in Stage 1](#), the safety plan must describe how the requirements of O. Reg. 82/20 will be implemented. It must also be posted in a conspicuous place in the workplace and be made available to any person for review on request, including, for example, an inspector or compliance officer during an inspection of the workplace.

The MOLTSD provided the following updated guidance to support employers in developing their plan. The full guide can be found [here](#).

Developing a COVID-19 Safety Plan

A COVID-19 safety plan should consider key sources of information, understand risks related to COVID-19, control COVID-19 risks in the workplace, and use the hierarchy of controls.

Key Sources of Information: Workers and joint health and safety committee (JHSC) members or health and safety representatives, if any, should be consulted for their input on the plan.

Additionally, employers should regularly consult [sector specific resources](#) and continue to follow provincial requirements under the [Reopening Ontario \(A Flexible Response to COVID-19\) Act](#) and any local public health orders.

Understand Risks: The first step to control risks in a workplace is to identify them. For COVID-19, employers should understand how the virus can be spread at the workplace and the key risk factors for transmission, including prolonged exposure, close proximity, crowded places, closed spaces, and forceful exhalation.

Control Risks: Employers should implement a variety of measures to control potential exposure to COVID-19. It is especially important that other controls are in place when one or more controls cannot be consistently maintained.

Hierarchy of Controls: The hierarchy of controls can help businesses choose the right controls for their workplace. When making a COVID-19 safety plan, the most effective controls should always be considered first. The levels in the hierarchy of controls, in order from most effective to least effective, are:

1. Elimination: remove the risk of exposure entirely from the workplace by, for example, having everyone work from home all the time.
2. Substitution: The MOLTSD guidance provides that this is not an option for an infectious disease such as COVID-19.
3. Engineering controls: Make physical changes to remove the hazard through ventilation or separating workers from the hazard, including changes that support physical distancing and hygiene.
4. Administrative controls: Make changes to the ways people work and interact, using policies, procedures, training and signage.
5. Personal protective equipment (PPE): PPE is used to protect the wearer and can include such things as surgical/procedure masks and eye protection. PPE should not take the place of other control measures and must be used alongside other control measures already in place.

Six Safety Plan Questions

The MOLTSD recommends considering the following six questions when developing a COVID-19 workplace safety plan:

1. *How will you ensure all workers know how to keep themselves safe from exposure to COVID-19?*

Businesses should provide clear information and instruction to workers to ensure they know what they need to do to protect themselves and others. Workers should know how to follow the work and hygiene practices in the plan, including all new safety measures. Some things to

consider include what guidance to provide, how to share information (e.g., location and language), whether new or more frequent types of communication are needed, and where to find updates on new COVID-19 guidance.

2. How will you screen for COVID-19?

The province changed its workplace screening protocols on January 7, 2021. The new screening protocols, found [here](#), are issued by the Office of the Chief Medical Officer of Health and require all employers to actively screen every worker before they enter the workplace at the start of their shift. The MOLTSD provided the following considerations for active screening:

- Active screening may be done in person at the workplace or remotely prior to entry.
- Actively screen each person entering the workplace for work purposes, including workers, volunteers, suppliers and contractors.
- Screening should occur before or when the person arrives at the workplace at the beginning of their shift or visit.
- Use the [COVID-19 screening tool for workplaces](#) or ensure that the screening process includes all the questions from the screening tool.
- A screener (or automated system) should advise anyone who does not pass the screening that: (1) they may not enter the workplace, including any outdoor, or partially outdoor, workplaces; (2) to go home to self-isolate immediately; and (3) to contact their health care provider or Telehealth Ontario to find out if they need a COVID-19 test and for further instructions.
- Visitors and clients can be screened by phone or through an app before they arrive for their appointment.

Employers should also use signage, encourage workers to monitor their own symptoms and ensure workers know to stay home if they have symptoms that are new, getting worse or unexplained.

One significant change to the new screening protocols issued by the Office of the Chief Medical Officer of Health is that businesses and organizations should keep records of screening results. The screening tool specifies that records must comply with any applicable retention and privacy requirements and may be requested by the local public health unit to support case and contact tracing in the event of an outbreak.

3. How will you control the risk of transmission in your workplace?

Employers should implement a variety of measures to control potential exposure to COVID-19. Examples include:

- Maximizing physical distancing and separation
- Encouraging the use source control masking
- Ensuring maintenance of ventilation and airflow systems
- Reducing transmission from surfaces and objects with frequent cleaning and disinfection
- Determining when PPE is needed

In situations where one or more controls cannot be consistently maintained it is especially important that other controls are in place.

4. *What will you do if there is a potential case of, or suspected exposure to, COVID-19 at your workplace?*

The following five steps need to be taken if a worker, visitor or client has symptoms that may be related to COVID-19 or is diagnosed with COVID-19:

- **Step 1 - Exclude the symptomatic person from the workplace.**
- **Step 2 - Contact the [local public health unit](#) for guidance:** Public health will provide instructions and do contact tracing if needed. To support contact tracing, a system should be in place to provide information about which people had close interactions with an affected worker.
- **Step 3 - Follow public health direction:** It is important to understand the guidelines for [COVID-19 self-isolation and return to work](#).
- **Step 4 - Inform any workers who may have been exposed:** Give all workers information about the date and time of the potential exposure and where it took place, but don't give out any information that might identify the infectious person.
- **Step 5 - Report to Ministry of Labour, Training and Skills Development and the WSIB:** If advised that a worker has tested positive for COVID-19 due to exposure at the workplace, or that a claim has been filed with the Workplace Safety and Insurance Board (WSIB), you must give notice in writing within four days to:
 - the MOLTSD
 - the workplace's JHSC or health and safety representative, as applicable
 - the worker's trade union, as applicable

Additionally, [any occupationally acquired illnesses must be reported to the WSIB](#) within three days of receiving notification of the illness.

5. *How will you manage any new risks caused by changes to the way you operate your business?*

Changes to work practices to prevent COVID-19 may affect the way you manage other risks in the workplace. Accordingly, employers should review existing critical risks with workers and consider whether work practice changes will affect the current risk management strategy. Employers should also consider whether there are any new risks introduced due to changes in worker numbers or work practices and what new risk controls are required.

6. *How will you make sure your plan is working?*

Employers should consider assigning a manager or management team to take charge of COVID-related issues, including training for supervisors and regular dialogue with supervisors, to make sure there is compliance with all protocols. Consider the following:

- How often will you schedule a review of your plan?
- How will you get input and ideas from workers and clients?

- Who is responsible for evaluating how things are working and for adapting the plan as you find better/easier ways to do things?
- How will health and safety representatives be involved in evaluating how well the plan is working?
- How will you communicate changes?

UPDATED CONSTRUCTION SECTOR GUIDANCE

In addition to the above general guidance on safety plans, the MOLTSD provided updated guidance for developing and maintaining a safety plan specific to the construction sector. The full guide is found [here](#).

The guide includes tips to help ensure physical distancing at a construction worksite, including tips on how to limit the number of people, manage the movement of people, and communicate expectations to workers. Some examples include:

- rescheduling any unnecessary visits to the workplace by supply chain partners, vendors or others who don't need to be there now;
- staggering work schedules, start times, breaks, and lunches;
- organizing tasks so that only one trade is working in a space at a time (for example, not doing electrical work and plumbing at the same time);
- setting up one-way staircases and corridors wherever practical to minimize contact between workers;
- limiting the number of people who use elevators and hoists at one time through markings on the floor and direct the occupants to face the walls of the hoist or elevator rather than each other;
- encouraging physical distancing and making sure everyone knows the capacity limits for the spaces they are using; and
- conducting work area inspections to verify workers are practicing physical distancing.

The guide also includes best practices for understanding the risk, implementing safety measures, controlling the risk of transmission, screening, masks and PPE, workplace sanitation and hygiene, ventilation and air flow, managing a potential case, and providing notice.

NEW GUIDANCE ON MEAL AND BREAK PERIODS

The MOLTSD's new guidance on what employers can do to help control exposure to COVID-19 at meal and break times includes an overview of employer, supervisor and worker obligations under the *Occupational Health and Safety Act (OHSA)*, as well as recommended precautions for meal and break periods. The full guide is found [here](#).

Employers should create and maintain safer spaces, put in place strong policies and procedures, and focus on consistent training and supervision. The guide provides examples of actions or considerations for each of the foregoing that address the risk factors associated with spreading COVID-19 in shared spaces for eating, taking breaks and changing. Some examples include:

- removing furniture from break spaces that would lead to overcrowding if used;
- providing more locations for eating, changing and taking breaks;
- considering assigning workers to specific meal and break rooms if there are multiple spaces;

- setting limits on the number of people allowed to use meal and break areas at one time and on how long they can stay there;
- posting clear instructions and posters in prominent locations, ideally in all the languages spoken by workers; and
- being consistent and strong with messaging by pointing out if people are not following the rules and giving positive feedback when they are following them.

Supervisors must make workers fully aware of workplace hazards, ensure that workers perform work safely, and respond to any hazards brought to their attention. They should also give consistent guidance and make sure workers follow all health and safety rules and policies, including during meal periods and breaks.

Workers must play their part by wearing the protective equipment required by their employer, working in a manner that doesn't expose themselves or others to harm, and staying home and following public health direction when sick or after close contact with someone who has COVID-19.

NEW GUIDANCE ON SELF-ISOLATION AND RETURN TO WORK

The MOLTSD released a new guide to help employers in non-healthcare workplaces understand what to expect for workers returning to the workplace after COVID-19 self-isolation. The full guide is found [here](#). This resource does not replace the *OHSA* and its regulations or the public health orders and directives issued by local medical officers of health and the Chief Medical Officer of Health.

There are two reasons a worker may be required to self-isolate, and the self-isolation time is different for each.

A worker must self-isolate for **14 days** if they were out of the country or in close contact with someone with COVID-19 or who is likely to have COVID-19 (as determined by public health). Anyone who has potentially been exposed must self-isolate for the full 14 days even if they have a negative test during this time. Workers can return to the workplace after 14 days of self-isolation if they have not developed symptoms or tested positive.

A worker must self-isolate for a minimum of **10 days** if they test positive on a standard COVID-19 test or are told by their health care provider or a public health official that they have COVID-19. The self-isolation period is at least 20 days if the worker either had severe COVID-19 illness (were admitted to intensive care) or has severe immune compromise (described in the [COVID-19 Quick Reference Public Health Guidance on Testing and Clearance](#)). The self-isolation period starts from when the worker's symptoms started or the day they were tested, whichever is earlier. Workers can return to work after their self-isolation period if they have no fever and their symptoms have been improving for at least 24 hours.

In both circumstances, a worker does not need a negative COVID-19 test to return to the workplace after self-isolating for the full period. Should you require assistance or have any questions regarding the new measures, please contact our [Employment Law Group](#).

NEW WORKPLACE SCREENING TOOLS

The MOLTSD also released online screening tools for workers and customers. The screening tool for workers and employees is found [here](#). The screening tool for customers and patrons is found [here](#). The use of these tools is optional and is not tracked or enforced. Additionally, the screening tools are not required for emergency services or other first responders entering a workplace for emergency purposes.

With the Ontario government increasing workplace inspections as part of a crackdown on compliance to ensure COVID-19 safety protocols are being followed and enforced, it is essential that businesses are consistently reviewing and implementing their COVID-19 workplace safety plans. Should you require assistance or have any questions regarding the new measures, please contact our [Employment Law Group](#).

The information contained in this article is intended to provide information and comment, in a general fashion, about recent cases and related practice points of interest. The information and views expressed are not intended to provide legal advice. For specific legal advice, please contact us.