

Employer Need Not Go Beyond COVID Health Orders to Protect Workers



TTC implemented a mandatory face mask rule, made face shields, safety glasses and disinfectant wipes available, disinfected buses every 23 hours, installed a partial plexiglass barrier around the driver's seat and posted a 'Do Not Sit' sign on the 2 seats closest to the driver. The union conceded that these were the only protections required to protect workers from COVID by public health orders but invoked the so called 'precautionary principle' that when in doubt, OHS officers should err on the side of safety in seeking added protection, including total removal of the 2 closest seats and a white line marking a 2-metre barrier around the driver. But the OLRB said no, citing the lack of evidence that these measures were essential to health and safety. Erring on the side of caution doesn't mean substituting the union's personal preference for the OHS officer's judgment, the Board reasoned [*Amalgamated Transit Union, Local 113 v Toronto Transit Commission*, 2021 CanLII 53270 (ON LRB), June 11, 2021].