

# Health And Safety Obligations On Construction Sites During The Pandemic



Construction employers in Ontario have a duty under the *Occupational Health and Safety Act* to protect the health and safety of workers on construction sites. This duty includes the obligation to protect workers from COVID-19 and help prevent outbreaks at the jobsite.

As of January 2021, construction employers are required to abide by the following requirements:

- conduct daily screening of workers before they enter the jobsite for symptoms or heightened risk of COVID-19;
- enforce physical distancing and barriers at the jobsite (this may require reducing the number of people at the jobsite, staggering shifts or ensuring that only one trade is working in one area at a time);
- enforce the use of Personal Protective Equipment (PPEs);
- ensure frequent cleaning and disinfection of surfaces;
- ensure that trades, subtrades and subcontractors follow required COVID-19 procedures and protocols;
- provide information and instruction to workers to ensure that they are aware of COVID-19 procedures and protocols;
- ensure that symptomatic workers do not access the jobsite;
- advise workers when they have been exposed to a positive case of COVID-19 while protecting the privacy of the infected person; and
- contact your local public health unit for guidance if a worker on the jobsite tests positive for COVID-19.

The Ministry of Labour's inspectors regularly conduct safety blitzes and spot audits to ensure that health and safety requirements are followed. The consequences of non-compliance are hefty, and include fines and imprisonment for owners of businesses. As a result, we recommend that all construction employers follow the protocols to avoid the spread of COVID-19 and the liability that comes with disregarding the above legal obligations.

by Inna Koldorf  
Miller Thomson LLP