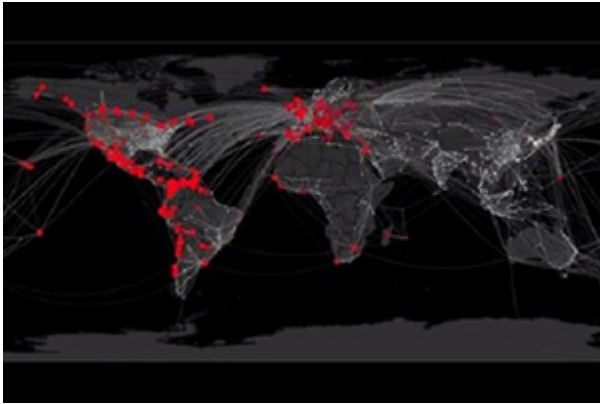


Novel Coronavirus 2019 – Precautionary Measures In The Workplace



Introduction

Canadian employers remember well the seriousness of the SARS epidemic and the impact on their operations and employees. At that time, given the general level of preparedness, emergency measures were needed to address the threat of the spread of the virus both globally and in the workplace. The impact from a health and social perspective was considerable.

Lessons learned during the SARS epidemic will play an important role given the introduction of Coronavirus, a new contagious and potentially deadly virus. The purpose of this article is to highlight how employers in Ontario take precautionary measures, while also acknowledging the regional risk level is currently said to be quite low.

Definition

Coronaviruses are a group of common pathogens known to cause a range of respiratory issues from common cold to pneumonia and other flu-like symptoms. On December 31, 2019, Chinese health authorities identified a novel coronavirus named “COVID-19” through a series of reported cases of pneumonia in Wuhan, Hubei province, China.

COVID-19 appears to be contagious before symptoms occur with an estimated potential incubation period of 2-14 days. As of writing, the Province of Ontario has confirmed two cases with 27 under investigation.

Employers can review information issued by the Government of Ontario with respect to infection protection and control at <https://www.pshsa.ca/other-topics/infection-prevention-control>.

Precautionary Measures in the Workplace

Occupational Health and Safety legislation requires employers in Ontario to provide and ensure a healthy and safe workplace, which involves taking all reasonable measures to protect employees from COVID-19.

While as a society we are being encouraged not to over react, and certainly not to assign blame, there are certain reasonable and common sense measures that employers in Ontario can immediately put in place in order to work towards eliminating foreseeable risk. The following measures do not constitute an exhaustive list, but will allow employers to **urgently** and immediately adopt proactive measures to address the possible risk of harm in the workplace:

1. Postpone all non-essential travel to Wuhan and/or to areas where the risk has been identified and confirmed;
2. Encourage employees to not enter the workplace while sick or if they've been in contact with someone exhibiting the symptoms, and to seek immediate guidance from their doctor on monitoring and treatment;
3. Encourage employees to stay informed by monitoring the latest developments from reliable health organizations like Public Health Ontario, the Ministry of Health (Canada and Ontario), the World Health Organization and others;
4. Place signs and hand sanitizer in conspicuous areas in the workplace to remind employees to follow strong hygiene practices such as frequent hand-washing, regular disinfection of desk and computer surfaces, and proper cough and sneeze etiquette; and
5. Revisit company policies on paid and unpaid sick time and working remotely. In certain circumstances, employers should consider whether employees exhibiting symptoms or who have been in contact with someone exhibiting symptoms should work remotely on a temporary basis. Employers should also review employee entitlement to take applicable statutory leaves, apply for short-term disability coverage, if available, and access employment insurance benefits.
6. Remind HR and supervisory staff the importance of keeping medical information strictly confidential.

COVID-19 should be treated as an urgent employment issue and monitored closely in accordance with expert health and legal guidance, company policies, any direction from provincial health authorities and applicable laws. Communication is essential in circumstances. Where an employee expresses a concern, deal with it openly and immediately. Discussions/arguments over why measures are being implemented should be dealt with by first understanding that employees are legitimately afraid for their health and second, by demonstrating a calm approach based on information and not fear.

Employers are encouraged to reach out directly to the authors or any member of the Aird & Berlis Workplace Law Group for specific legal advice. Thank you.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

by Fiona Brown and Lorenzo Lisi