

A background image showing a group of people in a meeting or office setting. A woman is visible on the right, smiling and resting her chin on her hand. A man is partially visible on the far right. The image is dimmed and serves as a backdrop for the title text.

# Return to Work after COVID-19: OHS Law Compliance, Best Practices & Due Diligence

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# ▼ Topics Covered

1. Planning Task Force
2. Goals & Methodology
3. Legal Framework & Compliance
4. Policy and Program Preparation
5. Preparing the Workplace
6. Preparing the Workforce

# Topics Covered

- 7. Preparing Customers & Clients
- 8. First Day Back in the Workplace
- 9. Communication, Supervision & Enforcement
- 10. Preparing/Responding to Complaints
- 11. Managing & Reporting Health Issues
- 12. Review, Respond & Repeat



# 1. COVID-19 Planning Task Force Composition & Mandate



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# ▼ Planning Task Force

- Clear, strong mandate from Board/CEO
- Multi-disciplinary, multi-skills composition:
  - Senior officer with decision & spending authority
  - Operations & facilities management
  - HR and OHS management
  - Sales, marketing & communications management
  - JHSC management & worker certified members
  - External advisors: medical/legal/other



## 2 Organizational Goals & Risk Management Methodology

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# ▼ Goals & Methodology

- Recommended goals: 1. optimize worker, public health & safety 2. achieve maximum business recovery
- Risk management requires the following:
  - Legal right to open workplace: *EMCPA*
  - Public health authority guidance: *HPPA*
  - Occupational health & Safety (“OHS”) legal compliance: *OHSA*
  - Coherent COVID-19 hazard assessment methodology



# 3. COVID-19 Legal Framework, Compliance & Due Diligence



# ▼ Legal Framework & Compliance

- *Emergency Management & Civil Protection Act (EMCPA)*
- Is your business/workplace exempted as “essential”?
- Have you ‘pivoted” your business to become “essential”
- Get legal advice & opinion your business may open
- *EMCPA* “essential” business compliance includes:
  - Following public health authority guidance;
  - Ensuring OHS law compliance, best practices and due diligence.

## ▼ Legal Framework & Compliance (2)

- *Health Protection & Promotion Act (HPPA)*
- *Ministry of Health provincial public health regulator*
- *Guidance, “Help Stop the Spread (of COVID-19):*
  - *Social and physical separation/”distancing”*
  - *Physical transmission barriers: Plexiglas/masks/visors*
  - *Intensive & frequent cleaning of regularly touched surfaces*
  - *Enhanced hand washing and personal hygiene*
  - *Reporting health concerns to employer & “public health”*

## ▼ Legal Framework & Compliance (3)

- *OHSA*, regulations, best practices & due diligence
- OHS law based on Internal Responsibility System (IRS)
- Legal duties on workplace employers/stakeholders
- Workers have OHS legal rights and responsibilities
- Joint Health & Safety Committee advisory involvement
- OHS regulators/inspectors with enforcement powers
- *OHSA* enforcement by orders, charges & due diligence

# ▼ Legal Duties - *OHSA*

- Employers & supervisors must take every reasonable precaution to protect workers from hazards (s. 25(2)(h), 27(2)(a))
- Includes the workplace hazard of COVID-19 exposure
- Legal duties on a variety of workplace stakeholders to follow employers policy and program
- Legal accountability of: Directors, Officers, Owners, Landlords, Tenants, Constructors, Employers, Supervisors, Workers, Suppliers



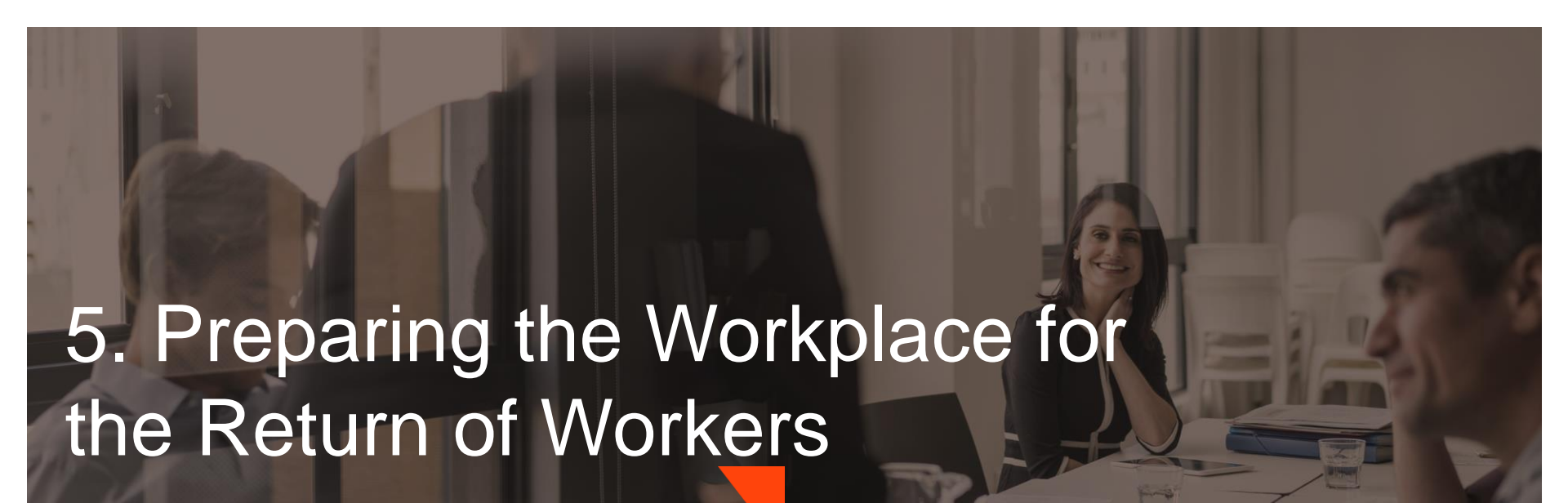
# 4. COVID-19 Policy and Program Development for Each Workplace



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# ▼ Policy & Program

- *OHSA* requires a policy and program to address workplace hazards, including COVID-19
- Policy identifies goals, commitments, responsibilities
- Program sets out how policy is implemented:
  - Who is in charge of the program
  - Roles and responsibilities in program
  - What are the OHS requirements and rules
  - SWP, checklists, training, monitoring and accountability

A blurred background image of an office meeting. Several people are seated around a table, engaged in conversation. A woman in the center-right is smiling and looking towards the camera. The image has a dark, semi-transparent overlay.

## 5. Preparing the Workplace for the Return of Workers

# ▼ Preparing the Workplace

- Hazard assessment of workplace for COVID-19 exposure under public health guidance:
  - Building HVAC hazard identification, assessment & mitigation
  - Intensive deep cleaning of frequently touch surfaces
  - Access and egress restrictions, exposure, & limitations
  - Access screening of workers: Questionnaire & BTS(?)
  - Workplace layout, design, work stations & worker movement
  - Hours of work, worker schedules, & schedule planning
  - Implement hierarchy of controls for COVID-10 hazard





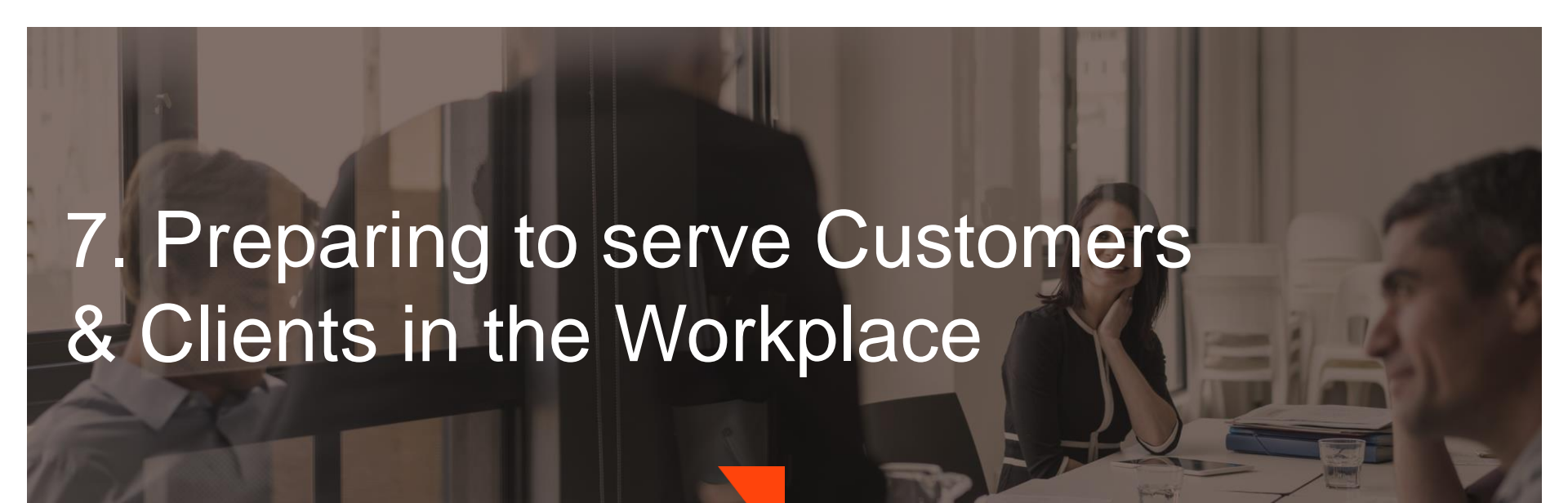
# 6. Preparing Workforce to Return to the Workplace




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# ▼ Preparing the Workforce

- Communicate goals of Task Force, Policy & Program
- Confirm involvement and advise received from JHSC
- Report steps/preparation for return to workplace
- Hold & document training sessions for all workers
- Provide question/concerns process for all workers
- Address FAQ of workers/customers/clients before RTW
- Advanced copy of “First Day Back” screening questions



# 7. Preparing to serve Customers & Clients in the Workplace



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# ▼ Preparing for Customers & Clients

- Conduct hazard assessment for customers/clients
- Develop mitigation plan from hazard assessment
- Communicate program to workers & provide training
- Protect workers by various means including:
  - *Social and physical separation/"distancing"*
  - *Physical transmission barriers: Plexiglas/masks/visors*
  - *Intensive & frequent cleaning of regularly touched surfaces*
  - *Enhanced hand washing and personal hygiene*

A background image of an office meeting. A woman in a dark blazer is smiling and leaning her chin on her hand, sitting at a table with a man. Another person is visible in the background near a glass partition.

## 8. First Day Workers come Back to the Workplace

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# ▼ First Day RTW for Workers

- Handout, collect worker screening questionnaire
- Implement (or not) Body Temperature Screening
- Supervisor meet, greet, and instructions to workers
- Supervisors go through RTW checklist for each worker
- Remind workers of workplace Goals, Plan & Program
- Stay in touch with workers thorough first day/week
- Supervisors to provide business/emotional support



## 9. Monitoring, Supervision & Enforcement of COVID-19 Program

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# ▼ Monitoring, Supervision & Enforcement

- Planning Task Force continue to communicate Goals
- Management to Monitor Goals, Policy & Program
- Supervisions to provide feedback to management
- Supervisors to enforce the Program
- Enforcement by counselling, coaching and discipline



# 10. Preparing and Responding to COVID-19 Questions, Complaints and Work Refusals

# ▼ Questions/Complaints/Refusals

- Support workers by ongoing Q&A availability
- Consider unanimous “whistler blow” service
- Welcome questions and answer them
- Receive with complaints and address them
- Respect work refusals and comply with OHS law:
  - Train supervisor show to deal with them
  - Conduct investigations & try to resolve internally
  - Cooperate with OHO inspectors if regulator becomes involved

# 11. Preparing, Managing and Reporting Health Concerns

# ▼ Preparing, Managing & Reporting Health Concerns

- Anxiety about health concerns is real
- Include health concerns reporting in Program
- Eliminate or mitigate health exposures
- Internal reporting & managing COVID-19 cases
- OHS and workers' compensation reporting
- Public health reporting of “presumptive” cases

# 12. OHS Management System for COVID-19: OHS Policy & Program Review, Revise & Repeat

# ▼ Preparing, Managing & Reporting COVID-19 Health Concerns

- OHS law allows for a due diligence defence
- Due diligence requires a “managed system
- An OHS management system includes:
  - Review COVID-19 Plan and Program
  - Revise from stakeholders feedback
  - Repeat implementation of revised Program



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