Best practices and workplace responsibilities for the constructor in the construction industry responding to a potential COVID-19 exposure

Overview
This is not a legal document and employers are advised to seek legal advice.

Employers and constructors have obligations to protect workers from hazards in the workplace as set out in the Occupational Health and Safety Act (OHSA) and its regulations and the directives coming from the Chief Medical Officer of Health.

Workers should raise any concerns to their:
• Supervisor
• Joint health and safety committee
• Health and safety representative

This will help ensure the employer has taken all reasonable precautions.

Ontario is currently in the midst of a global pandemic. While the COVID-19 situation is changing rapidly, the legislation and regulations used to govern Ontario’s workplaces are not.

Under Ontario law, employers have the duty to keep workers and work sites safe and free of hazards. Workers have the right to refuse unsafe work. If health and safety concerns are not resolved internally, a worker can seek enforcement by filing a complaint with the ministry’s Health and Safety Contact Centre at 1-877-202-0008. Failure of the employer or constructor to comply with the OHSA and its regulations could result in a stop-work order upon inspection by the Ministry of Labour, Training and Skills Development.

Recognize and assess hazards
As the constructor of a project, you have responsibilities for the health and safety of not only your direct employees but to all workers on the project. As such, an absence of clear and concise protocols regarding COVID-19 leaves you and your project at significant risk of infection and total shut down.

Your risk associated with COVID-19 as the constructor extends through your various employers, sub-contractors, sole-proprietors, suppliers and inspectors, whether they are directly working, delivering materials, or visiting the project.

For more information visit ihsa.ca/COVID-19
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Identify controls
Create and communicate policies addressing the following:
- Signs and symptoms of COVID-19
- Communicating the reporting of signs and symptoms to the constructor
- Assessment of workers entering the project (implementation of worker questionnaires)
- How social/physical distancing will be accomplished
- Special work scheduling requirements
- Site sanitation and hygiene

Plan ahead to prevent the potential transfer of the virus between workers.
- Survey all workers entering the site if they have travelled within last 14 days, been exposed to COVID-19 or have symptoms of COVID-19 exposure. Ensure any worker with a positive response immediately leaves site and recommend the worker self-isolates, as noted below.
- Have washroom facilities available for all workers to wash their hands.
- Plan work and work crews to facilitate social distancing where possible, and use PPE where distancing might not be practical.
- Ensure sanitizing protocols are in place and implemented as required (based on size of workforce, use of an area, etc.)

Upon learning of a suspected case of COVID-19, you should ensure that all supervisory personnel on the project have implemented the protocols for responding to the situation.
- You and the employers or sub-contractors on your project share similar responsibilities to protect workers on a project and you should work together. The response can include the following measures:
  - Reach out to the employer of the potentially affected worker to learn what measures are being taken and ensure they address your protocol requirements.
  - Ensure all potentially affected workers and visitors who may have been in direct contact with the worker with suspected COVID-19 have been informed and asked to stay home and self-isolate if appropriate. The constructor has oversight of all workers on a project, and is responsible to address this with visitors and other trade workers that are not under the direct control of the potentially affected worker’s employer.
  - Advise your supervisor about how and what they may say to workers who may have come into contact with the suspected case, taking into consideration confidentiality issues. You may seek guidance on this matter from independent legal counsel and your local public health unit.
  - Ensure the locations where the potentially affected worker had been are cleaned and disinfected as appropriate for the circumstances. The COVID-19 virus could potentially contaminate these locations.

- Additional measures the constructor should consider taking include:
  - Communicate with onsite personnel that a suspected case of COVID-19 has been identified and post this information for all workers to see, in case they are not present for the initial communication.
  - Advise workers to be cautious and to stay home and self-isolate if they begin to experience symptoms.
  - Post updated notices regarding financial assistance for workers who might be directed to self-isolate due to COVID-19. This may encourage workers to be more forthcoming with their symptoms if they know there is some help to deal with the isolation and lost income.
  - Post and communicate any policies and protocols the jobsite is following for the protection from COVID-19.

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Evaluate
Review effectiveness of policies, procedures, or project protocols on a regular basis – adjust when gaps are identified or conditions change. Communicate any changes to workplace parties throughout project and ensure suppliers and inspectors are included in the communication.

Look for opportunities to improve workplace procedures and requirements – assess if there are any bottlenecks with respect to workers congregating in areas (around personnel hoists and elevators, or at break times). Continue to monitor Public Health advisories or other changes to protocols that must be implemented given new information.

Ensure all workers are clear in their responsibility to self-isolate and seek clinical assessment over the phone – either through Telehealth Ontario or by calling their primary care provider’s office. If additional assessment is needed, their primary care provider or Telehealth may direct them to receive in-person care options. For Ontario residents, anyone who suspects that they have contracted COVID-19 should call 811 (NOT 911) instead of going to the hospital or a family doctor. Direct toll-free phone numbers for Ontario residents are: 1-866-797-0000 or TTY: 1-866-797-0007.

Keep in contact with the employer about the worker’s health and ask to share any test results they have regarding confirmation of COVID-19. You may need to share the confirmation of COVID-19 with other workers or employers that were sent home due to this exposure or, if permitted by health officials, inform the other workers they can end their self-isolation.