Best practices - Responding to a suspected COVID-19 exposure

Workplace responsibilities for the employer in the construction industry

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
Review your COVID-19 protocols before an incident happens. Make sure your procedures clearly state that if employees are not well or experiencing any symptoms, they must stay at home and self-isolate to prevent exposure or risk to other employees and the general public. Ensure your policy has established appropriate response protocols that can be followed.

Identify controls
Plan ahead to prevent the potential transmission of the virus between workers. Have washroom facilities available for all workers to wash their hands. Plan work and work crews to facilitate physical distancing where possible and use PPE where distancing might not be practical.

Upon learning of a suspected case of COVID-19, you should ensure the supervisor has implemented the protocols for responding to the situation.
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As the employer, you and the constructor both share responsibilities to protect workers on a project and should work together. To this end, the response should include the following measures:

- Ensure that the supervisor is aware of and understands workplace policy and protocols that should be implemented on-site regarding COVID-19.
  - Ensure the supervisor has requested that the worker with suspected COVID-19 leave the workplace immediately, return home, self-isolate as recommended by public health officials, and seek medical advice.
  - Advise the worker of any assistance available for workers in self-isolation.
  - 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.
  - Have the supervisor conduct a risk assessment for workers who have worked closely with the potentially affected employee. Supervisors should be encouraged to enable workers who may have been exposed to take precautions to protect themselves as appropriate by watching for symptoms and possibly by removing themselves from the workplace for at least 14 days or until COVID-19 is ruled out. Determining if these other workers were exposed is dependent on the circumstances of the work process and interactions with the potentially affected employee. When the exposed workers are not direct employees, this will require communicating with the constructor and other employers.
  - Ask that the supervisor identify locations where the potentially affected worker had recently been and determine how to address decontamination. Advise other potentially affected workplace parties, and close off potentially infected areas. Inform the constructor of areas of common use. Take steps to ensure the cleanliness of the workplace where this worker was working.
  - Identify tools and equipment that the potentially affected worker had recently been using and determine how to address decontamination. Ensure other workers do not use these tools until they have been sanitized. Isolate the tools until cleaned.

- Your protocol for COVID-19 should identify who will be responsible to arrange and oversee any cleaning of tools or surfaces with which the affected worker came in contact.

- If you are notified by public health of a positive COVID result, support and provide information to public health officials to enable the contact tracing process.

- Fulfill Ministry of Labour, Training and Skills Development reporting requirements for infectious disease.

For more information visit ihsa.ca/COVID-19
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Evaluate
Review your protocols on a regular basis. Ensure your supervisor and the workers are aware of their responsibilities to identify, report, and manage suspected cases of exposure to COVID-19. Reinforce your protocols if you find knowledge is lacking on the processes you have put into place.

Look for opportunities to improve your policies or procedures/protocols by continuing to follow advice of Public Health officials in your area.

Ensure the worker is aware of their responsibility to self-isolate and seek clinical assessment, either through Telehealth Ontario (1-866-797-0000) or by calling their primary care provider. 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 worker about their 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 that were sent home due to this exposure or, if permitted by health officials, inform the other workers they can end their self-isolation.

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