
COVID-19 and Construction Businesses

Health and Safety, Labour and Employment Issues

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Agenda

- Occupational health and safety
- Workplace Safety and Insurance Board
- Labour relations
- Employment issues
- Record of Employment

Occupational Health and Safety Act

■ General duties of

Owner

Constructor

Employer

Supervisor

Worker

■ Additional duties in regulation

Construction Projects, O Reg 213/91

Health and Safety – Toilets and other “Facilities”

- Constructor responsible for “facilities”
- Supervisor required to inspect “sanitation systems” at least once per week
- One toilet for every 10 or 15 workers
- One clean-up facility for every two toilets
 - Wash basin with running water
 - Soap or hand cleanser
 - Paper towels or a hand dryer

Health and Safety - Toilets

- Include a toilet with a lid
 - Toilet paper holder (with supply of toilet paper)
 - Sanitary napkin disposal for females
- Provide privacy and protection from weather and from falling objects
- Be illuminated, heated and ventilated
- Be serviced (pumped), cleaned and sanitized
 - Constructor to keep record of servicing

Health and Safety – Drinking Water

- Reasonable supply of potable drinking water
 - Piping system or clean, covered container with a drain faucet
- Workers provided a sanitary means of drinking the water
 - Shall not be required to share a common drinking cup

Health and Safety – COVID-19

- Extra scrutiny
- Minimize groups of workers
 - Stagger start and end times, breaks and lunch
 - Changes to toolbox and safety talks
 - Limits on workers in a hoist
- Sanitize tools, equipment and work locations
- Remind workers about actions to minimize transmission of COVID-19

Questions to Ask Workers and Visitors

- Within the last 14 days, have you:
 1. Experienced, or been in close contact with someone with, flu-like symptoms, or been diagnosed with, or been in close contact with someone who has been diagnosed with, COVID-19; or
 2. Travelled outside Canada; or
 3. Been on a cruise ship?
- “Yes” to any question = Access denied

Question #1 – Broken Out

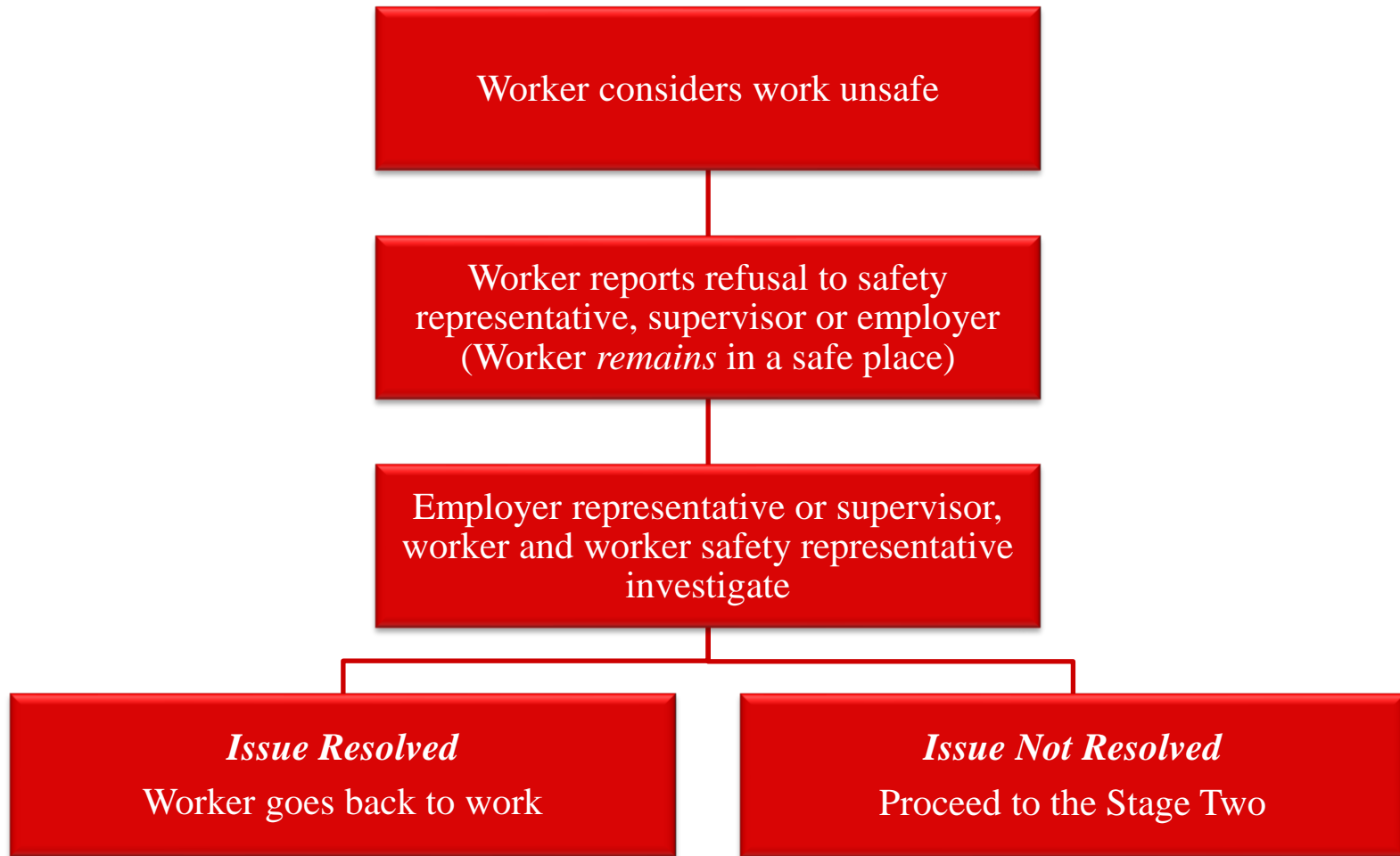
■ Have you:

- Experienced cough, fever, trouble breathing or any other respiratory issue;
- Been diagnosed with the flu or COVID-19;
- Been in close contact with someone who has had a cough, fever, trouble breathing or any other respiratory issue; or
- Been in close contact with someone who has been diagnosed with COVID-19?

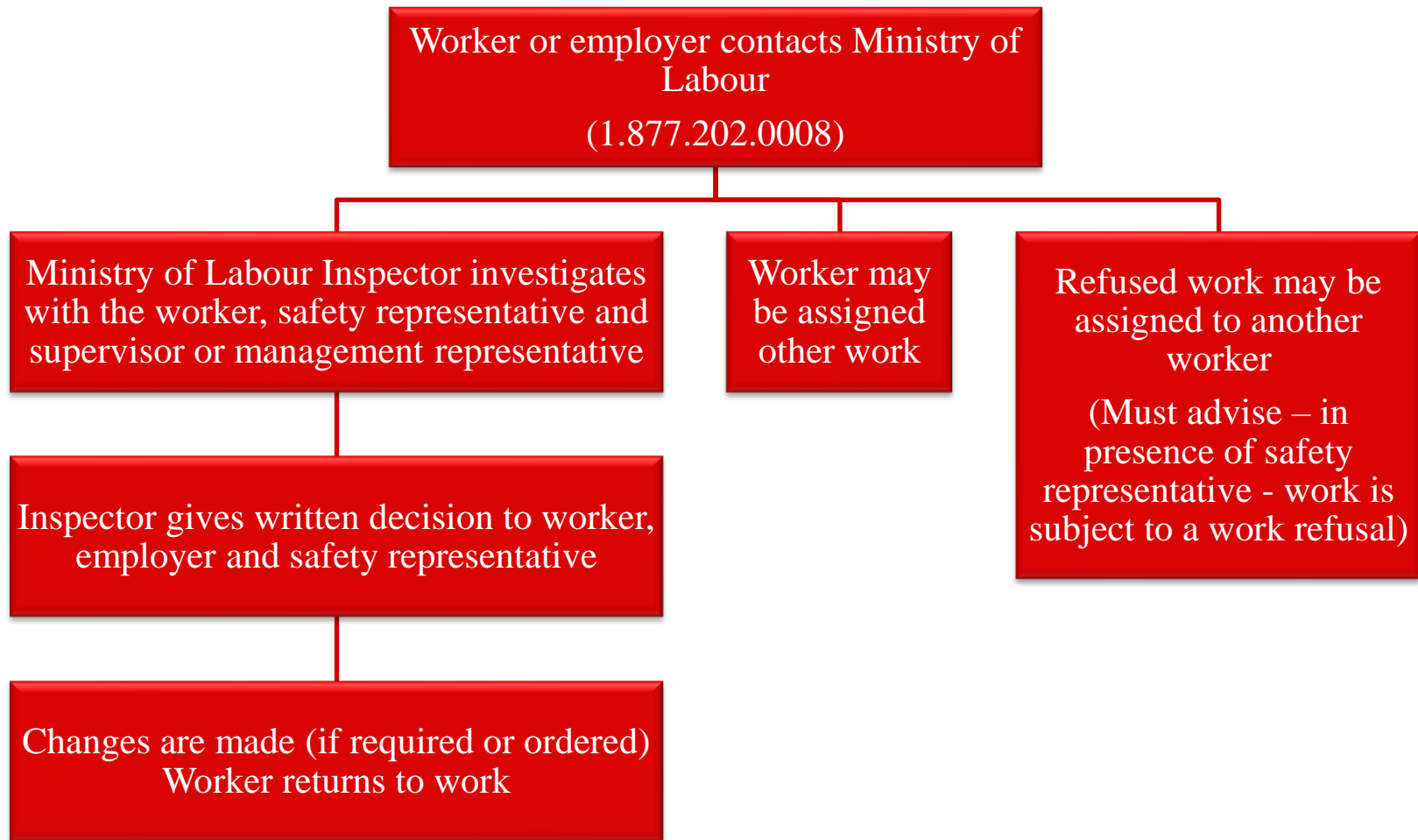
Taking Temperatures – Best Practices

- Advanced notice and test everyone each time they enter the site
- Maintain privacy
- Trained individual performing the test
- Infrared digital thermometer or temple touch
- Determine threshold in advance (100 degrees)
- Do two tests if temperature in excess of limit
- Keep results private

Work Refusals – Stage One



Work Refusals – Stage Two



Workplace Safety and Insurance Act

- Occupational Disease and Survivor's Benefits Program
- Require work-related exposure
- Consider objection to entitlement in a Form 7

Labour Relations Considerations

- Review collective agreements
- Layoffs
 - Timing of layoffs, final pay and records of employment
 - Recall from layoffs
- Addressing shortage of workers
 - Additional workers from union(s)
 - Subcontracting of work

Employment Considerations

- Importance of employment contracts
- Reductions in hours and rates of pay
- Reduce to “skeleton crew” in office
 - Work from home options
 - Employees may take vacation or use lieu time

Employment Considerations

■ Temporary layoff

- 13 weeks if benefits are not continued

- 35 weeks if benefits are continued

■ Termination of employment

- *Employment Standards Act* and common law entitlements

- “Constructive dismissal” issues

Obligations to Pay Employees

- Employees are paid when they are at work
- Employees are not entitled to pay when they are not working
 - Quarantine or self-isolation
 - Layoff
 - Leave of absence/decline opportunity to work
- Employees may be eligible for EI
- Employer may establish SUB plan

Record of Employment (ROE)

- Timing as per collective agreement or within five calendar days of the first day of an interruption of earnings
- Block 16 - Reason for ROE
 - ❑ Sick or quarantined – Code D (Illness/injury)
 - ❑ Shortage of work – Code A (Shortage of Work)
 - ❑ Employee chooses not to come to work but is not sick or quarantined – Code E (Quit) or N (Leave of Absence)

Government Programs and Promises

- Canada Emergency Response Benefit (CERB)
 - Income relief of \$2,000 per month for four months
 - Self-employed/pieceworkers
 - Individuals who remain home with family member who is ill or children out of school
- Temporary Wage Subsidy for Employers
 - 10% of the remuneration an employer pays
 - Maximum of \$1,375 per employee \$25,000 total per employer

Next Steps

- Ensure health and safety measures are met
- Communicate with workers and unions
- Consider office operations
- Go a level above
- *Wash your hands...*

Questions?



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