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# *COVID-19 and Construction Businesses*

*Essential Businesses, Health and Safety and Employment  
Law Update*

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# *Agenda*

- Another update to “essential business” order
- Occupational health and safety
  - Reminder re: legal requirements vs. best practices
  - Resources
- Employment considerations
  - Return to work
  - New hires

# *Essential Businesses - Background*

- *Emergency Management and Civil Protection Act*
- *Ontario Regulation 82/20 - Order Under Subsection 7.0.2 (4) - Closure Of Places Of Non-essential Businesses*
  - March 24, 2020 - Issued
  - April 3, 2020 – Revised (narrower) list released
  - May 1, 2020 – List of businesses that can reopen
  - May 7, 2020 – List expanded

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# *Essential Businesses - Updated*

Updated – May 7, 2020

*30. Residential construction projects where,*

*i. a footing permit has been granted for single family, semi-detached and townhomes,*

*ii. the project is a condominium, mixed use or other residential building, or*

*iii. the project involves renovations to residential properties and construction work was started before April 4, 2020.*

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# *Essential Businesses - Updated*

Updated – May 1, 2020

*30.1 Construction to prepare a site for an institutional, commercial, industrial or residential development, including any necessary excavation, grading, roads or utilities infrastructure.*

# *What Construction is Closed?*

- What the government says versus wording of Regulation
- Commercial - Except 29.1 and 30.1
- Industrial - Except 29, 29.1 and 29.2
- Residential
  - Limit on detached/low-rise residential
  - Limit on new renovation work

# *Occupational Health and Safety Act*

## ■ Duties in *Act* and Regulations

- Owner, constructor, employer, supervisor, etc.

- *Construction Projects, O Reg 213/91*

## ■ Obligation to provide “facilities”

- Toilets and hand washing stations

- Running water when possible

- Focus on opportunities for hand washing

## ■ Obligation to provide potable drinking water

# *Health and Safety – COVID-19*

- Importance of standard policies and procedures
  - ❑ Jobsite signage and checklists
  - ❑ Communications to workers
  - ❑ Pre-access questions and temperature check
  - ❑ Sanitation of tools, equipment and work locations
  - ❑ Ability to “contact trace”
    - Use of new technology
  - ❑ Response to a positive COVID-19 case



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# *Health and Safety – COVID-19*

- Remind workers of actions to minimize transmission of COVID-19
- Minimize groups of workers
  - Stagger start and end times, breaks and lunch
  - Changes to toolbox and safety talks
  - Limits on workers in a hoist or on site
  - Remove coffee truck, stagger deliveries

# *Health and Safety – COVID-19*

## ■ What about PPE?

- Nothing in *OHSA* – but consider general duty to ensure safety of workers

## ■ What about working 6 feet apart?

- Nothing in *OHSA* – but consider general duty to ensure safety of workers

## ■ What about work vehicles?

- Nothing in *OHSA* – but consider general duty to ensure safety of workers

# *Health and Safety Resources*

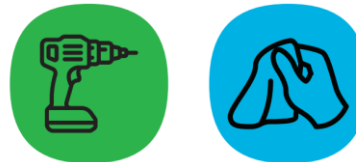
- Infrastructure Health and Safety Association
  - COVID-19 Links and Resources
- Ministry of Labour guidelines (March 29)
  - Construction site health and safety during COVID-19

**Protect against  
COVID-19**



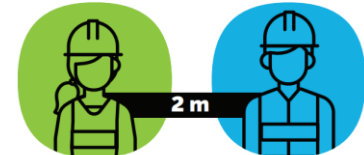
Clean work surfaces often

**Protect against  
COVID-19**



Clean tools before  
and after use

**Protect against  
COVID-19**



Practice physical distancing and  
stay 2 metres from other people.

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# *Return to Work*

- Safety protocols
- Communications with laid off employees
  - Confirm receipt and provide time to return
- Responding to questions/concerns
- What if they don't return?
  - Quit (Code "E" on RoE)
  - Terminated (Code "M" on RoE)
  - Leave of Absence (Code "N" on RoE)

# *Job-Protected Leaves of Absence*

- “Job protected” leave under *Employment Standards Act, 2000*
  - Pregnancy and parental leave, sick leave, etc.
  - Emergency Leave: Declared Emergencies and Infectious Disease Emergencies
    - COVID-19 issues
    - School-aged children
  - Record of Employment – Code “N” (Leave of Absence) or Code “D” (Illness/injury)

# *Employment Agreements*

## ■ New employees

- Prepare and execute employment agreement *prior to* first day of work

- Sets out expectations for relationship

- Minimizes “constructive dismissal” claims

- Defines entitlement upon termination

## ■ Existing employees

- Provide “consideration” for agreement

# Questions?



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  - [Construction FAQs re: COVID-19](#)



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