
COVID-19 and Construction Businesses

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

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Agenda

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

Essential Businesses

- Construction is open

Return to Work Considerations

- Safety protocols – on site and in office
- Communications with laid off employees
 - Confirm receipt and provide time to return
- What if they don't return?
 - Quit (Code “E” on RoE)
 - Terminated (Code “M” on RoE)
 - Leave of Absence (Code “N” on RoE)
- More information – [Sherrard Kuzz LLP](#)

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

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

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 Resources

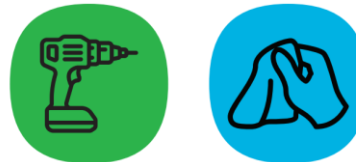
- Infrastructure Health and Safety Association
 - COVID-19 Links and Resources
- Ministry of Labour guidelines (March 29)
 - Construction site health and safety during COVID-19

**Protect against
COVID-19**



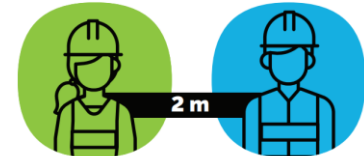
Clean work surfaces often

**Protect against
COVID-19**



Clean tools before
and after use

**Protect against
COVID-19**



Practice physical distancing and
stay 2 metres from other people.

Questions?



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- Frequently Asked Questions
 - [General FAQs re: COVID-19](#)
 - [Construction FAQs re: COVID-19](#)



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