

FTR Now

COVID-19 and Workplace Preparedness

Date: March 5, 2020

Editor's Note: The FTR Now has been updated as of March 14, 2020.

Health officials in Canada have stated that the risk of contracting COVID-19 remains very low. That said, in recent weeks the virus has been top of mind for many, including employers.

[We have written about an employer's legal obligations](#) in the workplace in light of issues relating to the COVID-19. In this *FTR Now*, we discuss workplace pandemic planning and operational issues employers should be anticipating.

Develop a Pandemic Plan

General Concept

The onset of COVID-19 is a reminder to employers of the importance of having a pandemic plan (Plan) in place.

The Plan should set out procedures and protocols for dealing with the potential impact of a pandemic on the workplace and should include sufficient information regarding the obligations of both the employer and the employees.

Each plan must be customized to the particular workplace and will vary, depending on the individual circumstances and the operational needs of the employer.

Where the workplace is unionized, employers should consider consulting with the bargaining agent throughout the development of the Plan to gain its support, and reduce the potential for challenges to the Plan once it is implemented. Any health and safety obligations in the collective agreement should also be reviewed.

Content of the Plan

The Plan should reference an employer's legal obligations which we discussed in [our earlier FTR Now](#) (including sick leave, dealing with work refusals and privacy considerations), which we will not repeat here.

Among other things, here are some additional factors that should be addressed in the Plan:

1. *Infection control in the workplace*

The Plan should contain simple protocols for health promotion in the workplace. Among other things, these would include encouraging employees to:

- properly wash their hands with soap and water for at least 20 seconds or with an alcohol-based hand sanitizer that contains at least 60% alcohol
- engage in proper cough or sneeze etiquette
- refrain from shaking hands with another.

The Plan should also set out an employer's responsibilities, which may include:

- posting the protocols in common spaces such as washrooms or lunchrooms
- increasing cleaning operations, particularly of common areas and include, for example, surfaces of desks, phones, doorknobs and elevator buttons
- communicating with public health agencies as required.

Employees who have symptoms of a respiratory illness of any kind (e.g. fever, coughing, shortness of breath, etc.) should be asked to stay home and seek medical treatment.

If an employee has contracted the virus, they should not return to the workplace until medically cleared as no being longer contagious.

As always, privacy issues must be considered.

2. *Travel*

The Plan should deal with travel, whether business or leisure. **Note that as of March 14, 2020, public health authorities ask that all travellers returning to Canada from any country self-isolate for 14 days upon their return.**

Protocols should be in place for dealing with employees returning from travel outside Canada..

Protocols should also be in place for dealing with customers or clients who have recently travelled outside Canada.

3. *Operational Concerns*

The SARS outbreak in 2003 caused many employers to make workforce adjustments. Contingencies should be in place for dealing with the impact of a health emergency on your

workplace. These may include, among other things:

- identifying essential positions and considering cross-training employees
- identifying and planning for employees who may be at higher risk, for example pregnant women and employees with certain chronic conditions
- determining in advance the level of absenteeism that can be tolerated before key business functions are affected and business operations must be changed
- modifying business activities to reduce face-to-face contact, for example by setting up meetings through teleconferencing rather than in person
- considering staggered work hours, flexible worksites, telecommuting and reduced travel
- ensuring communications and information technology infrastructures can accommodate a large number of employees working from home.

4. *Communication*

The Plan must be clearly communicated to all employees. The employer should designate an appropriate person(s) as the contact for all questions arising with respect to the Plan and its implementation. That person should also be responsible for updating the workforce on additional information as it is made available through official sources.

The communication protocols should include how the employer will communicate with vendors, suppliers, customers and clients.

The Plan should also provide for emergency communications, which can be revised on an as-needed basis.

Conclusion

Hicks Morley is uniquely situated to assist you in the preparation of a workplace pandemic plan: we have been here before, with SARS in 2003 and H1N1 in 2009.

Please contact [Nadine Zacks](#) at 416.864.7484, [Amanda Cohen](#) at 416.864.7316, [Sarah Eves](#) at 416.864.7254 or [your regular Hicks Morley](#) lawyer to discuss your workplace operational needs and the development of a pandemic plan.

Where You Can Find Additional Information

[Flu and Infectious Disease Outbreaks](#), Canadian Centre for Occupational Health and Safety

[The 2019 Novel Coronavirus \(COVID-19\)](#), Ontario Ministry of Health

[Coronavirus Disease 2019 \(COVID-19\)](#), Public Health Ontario

[Coronavirus disease \(COVID-19\): Outbreak update](#), Government of Canada

[Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#), February 2020, U.S. Centre for Disease Control (CDC)

[Coping With Stress](#), World Health Organization

[Cleaning and Disinfection for Public Settings](#), Public Health Ontario

[How to self-monitor](#), Public Health Ontario

[What you need to know to help you and your family stay healthy](#)

[How to wash your hands](#), Public Health Agency of Canada

[How to isolate at home when you have COVID-19](#), Public Health Agency of Canada