

**To: Ministry of Labour, Training and Skills Development**

**From: Provincial Building and Construction Trades Council of Ontario**

**Date: March 25, 2020**

**Re: Draft COVID-19 Document Entitled: "What you need to know about health and safety and working onsite"**

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The Provincial Building and Construction Trades Council of Ontario (PBCTCO) reviewed the draft COVID-19 document "What you need to know about health and safety and working onsite" which came from the Ministry of Labour, Training and Skills Development (MLTSD). This Memo contains the Council's added suggestions, which are **underlined and in bold**.

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**Introduction**

This document is a collection of resources, best practices and information links designed to help construction employers understand their rights and responsibilities while operating during the COVID-19 pandemic. This is not a legal document and all employers are advised to seek legal advice as part of their overall due diligence process.

While the situation is changing daily, the legislation and regulations used to govern Ontario's workplaces has not. *Employers still have the duty to keep workers and work sites safe and free of hazards, and workers still have the right to refuse unsafe work.* Effective communication of new safety procedures and policies will help ensure positive outcomes.

**The Province of Ontario has exempted construction workplaces from its mandatory closure order on the basis of assurances from the industry that it will uphold high standards of worker health and safety during the current COVID-19 emergency. Ministry Inspectors have been instructed to enforce these standards strictly. The failure of an employer or, in the case of a project on which more than one employer is working, the General Contractor or builder with overall responsibility for the project, to enforce and comply with these standards and pay any costs associated with the implementation of these standards as necessary will result in "stop work" orders and will lead the Province to withdraw the construction workplace exemption.**

**Replace the words "should" and "can" with the word "must" throughout the document when describing contractor obligations.**

**Appropriate signage in the workplace in the languages of the workplace must be present to advise workers of these rules and the need to comply with them.**

In order to address COVID-19 concerns, find below the following resources:

1. On-site best practices
2. Construction sector and design industry resources
3. Other Resources

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**1. On-site best practices**

The health and safety of workers is a top concern and increased focus on health and safety is required to keep job sites open. Below are resources, tips and best practices employers should follow during the COVID-19 situation:

a) **Personal hygiene:** Everyone can take individual steps to prevent the spread of COVID-19. Personal hygiene tips include:

- a. washing your hands often with soap and **hot** water or rubbing them with alcohol-based hand sanitizer
- b. sneezing and/or coughing into your sleeve, if you use a tissue, discard it immediately and wash your hands afterward
- c. avoid touching your eyes, nose or mouth
- d. avoid contact with people who are sick
- e. stay home if you are sick
- f. Avoid high-touch areas, including handrails, public transit poles and ensure that you clean your hands after, also avoid touching your face after touching a high-touch surface
- g. Wash your clothes as soon as you get home
- h. Notify your supervisor immediately if you are sick and contact your local public health unit

The Council suggests the following changes:

- a. wash your hands often with soap and **hot** water or alcohol-based hand sanitizer
- e. stay home if you are sick **and remain at home for the duration that is recommended by public health authorities**

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The Council suggests the following changes **which are in bold and underlined**:

b) **Illness reporting**: The symptoms of COVID-19 are shared with many other illnesses including the cold and flu. At this time, it is recommended that any worker who is experiencing any symptoms should **notify his or her supervisor and immediately leave the site and remain off work for the duration that public health recommends.**

c) **Ministry of Labour, Training and Skills Development reporting requirements**: Employers must report occupational illnesses, including COVID-19, to:

- a. the Ministry (in writing) within four days
- b. the joint health and safety representative on-site
- c. a trade union (if applicable)

The Council suggests the following changes:

**make reference to the fact that if a worker reports COVID-19 due to occupational exposures, the employer needs to submit a Form 7 to the WSIB, similar to any other injuries/illnesses. The WSIB established an Adjudicative approach to the novel Coronavirus (COVID-19) claims.**

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The Council suggests the following additions **in black and underlined**:

f) **Physical distancing**: As outlined in several government announcements, physical distancing is required to control the spread of COVID-19. In order to ensure physical distancing on-site, employers should consider the following:

- a. Staggered start times and **different entry and exit points to and from the worksites.**
- b. Staggered breaks
- c. Staggered lunches
- d. Total number of people on-site and where they are assigned to work
- e. Site movement (potential pinch points including hoists and site trailers)
- f. **Employers must restrict the number of persons who may use elevators at one time and they must post signage that requires appropriate social distancing when using an elevator on-site. Moreover, where possible, employers must include multiple shifts in order to reduce the number of workers on-site, at any given time.**

g) **On-site sanitation**: As outlined in several government documents, on-site cleaning and disinfection is paramount. All employers have an obligation to increase the cleaning and disinfection of sites. Areas of focus should include:

- a. Access to soap and **hot** water (ways to properly clean hands)
- b. Washroom facilities
- c. Commonly touched surfaces or areas (hoists, site trailers, door handles, tools and equipment, residential units)
- d. Limit unnecessary on-site contact between workers, and between workers and outside service providers, and encourage physical distancing in these areas (i.e., remove coffee trucks from site)
- e. Avoid sharing of hand tools and power tools between workers where possible, if sharing is necessary, then enable sanitization of shared equipment

The Council suggests including the following:

**g. The workplace needs to provide immediate access to cleaning materials to sanitize the tools/equipment. At the same time, any person sharing equipment needs to maintain proper hygiene (washing hands with soap and hot water or using appropriate sanitizers).**

The Council suggests making reference to the following:

**Under the *Occupational Health and Safety Act*, employers must maintain a clean worksite and make sure that facilities are available for workers to clean themselves if they have been exposed to any infectious diseases.**

**Toilets:**

- **water-flush toilets that are functionally connected to a sanitary sewer**
- **a specified minimum number of toilets—including separate facilities for female workers, unless the facilities are intended to be used by only one person at a time**

**Clean-up facilities:**

- **clean-up facilities equipped with wash basins; hot running water where reasonably possible; and paper towels and waste receptacles must be made readily available**
- **hand sanitizers that may be used without water and paper towels**

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**i)Track and monitor your workforce.** Due to the latency period of COVID-19, it is important to track when workers report an illness as well as where they have worked. In the case of a positive test, local public health units will ask employers to provide information on where an employee worked as well as the contact information of anyone who may have been exposed. The better employers track information, the better local public health units can respond.

The Council suggests the following:

(ii) **Employers must reassess employees' work environment every day and keep updated on what information is being posted on the province's website <https://www.ontario.ca/page/2019-novel-coronavirus>**

Also, it is important to note that any reference to water needs to include "**hot water.**"