

COVID-19: Protecting the Health and Safety of Education Workers

The pandemic of COVID-19 has not changed how we apply health and safety legislation in Ontario. The basic principles remain the same. Workers maintain the right to know, the right to participate, the right to refuse work where there is a danger to health and safety, and the right to be free from reprisal for exercising their rights under the *Occupational Health and Safety Act*.

Q: Since the schools have been closed, can my employer tell me to report to work?

A: The Chief Medical Officer has not made an order to stop work in school boards. The employer is within their rights to ask workers to report to work. The emergency actions taken by the government are primarily aimed at protecting public health and the public health system, rather than providing greater protection for occupational health and safety.

Q: If I have to report to work, what does my employer have to do to make sure that I can report safely to work?

A: The employer still maintains the duty to provide a safe workplace and to provide information and instruction to the workers about the hazards of the work including the hazards of biological agents. In the context of the COVID-19 pandemic, the measures and procedures should include the following elements:

- Workplaces should follow the hierarchy of controls where the best methods of controlling the hazards are “at the source”, then “along the path” and finally “at the worker”.
- The employer should heed the recommendation of the government and the Chief Medical Officer to provide workers the opportunity to work from home, where possible.
- If work from home is not possible, **screening should take place** to ensure that no person who may have been exposed to the virus is granted access to the workplace. (see attached example of a screening checklist)
- Those required to come into close contact with the public and with no screening, should practice social distancing. Physical barriers should be set up where feasible.
- There should be increased disinfecting of common surfaces.

- Employees should be given training (information and instruction) about how to stay safe during the pandemic and should be provided with the necessary protective equipment (PPE) in the circumstance.
- Employers should be following their pandemic plans and modifying the plan based on the latest information about COVID 19. Any changes brought to the plan should be communicated to joint health and safety committees and the local.
- Employers should consider postponing any construction and maintenance projects until the state of emergency is over. Some school boards have asked staff to report to their workplace for capital works projects and maintenance work described as “essential.” Locals should ask their Boards why this work is important enough to risk exposure to a highly transmittable disease.

Q: What are the specific cleaning requirements during the COVID-19 in a school board setting?

A: For surfaces that **are likely contaminated** with SARS-CoV-2, WHO, PHAC and EPA have set out the following disinfectants:

- Ethanol (+62%) – found in most hand sanitizers
- Hydrogen Peroxide (0.5%) -used primarily in health care settings to kill virus and bacteria, e.g. Virox
- Sodium Hypochlorite – Bleach, however these cleaning products can be caustic to humans and surfaces
- Quaternary ammonium disinfectants – the most common

There are other disinfectants (phenol compounds and glycol acid) that have similar claims. These products are normally used in workplaces receiving or treating patients with COVID-19. The products listed above can also be used on surfaces where the public has access and where there is no screening process.

What is essential is the contact time also called dwell time (usually 5-10 minutes on the surface).

The employer should provide information and instruction on the hazards, safe handling, use, storage, and disposal of any new chemical.

Refer to supplier label and the safety data sheet for additional information

Most disinfectants labeled for use in schools and hospitals, although less effective, should be adequate for routine disinfecting.

Q: What are my rights to participate in health and safety in my workplace during the COVID-19 pandemic?

A: Your right to participate remains the same. The employer should ensure:

- regular communication with the joint health and safety committee (JHSC)

- implement policies and programs, in consultation with the JHSC on all aspects of occupational health and safety, including infection prevention and control. Worker safety must be prioritized.
- provide to the JHSC and to workers information about changes in processes, new cleaning methods, new PPE, new equipment, etc.
- provide training to workers on new processes and new equipment that creates a hazard for workers
- meetings of the JHSC and regular updates to ensure the internal responsibility system is working

Q: Can I refuse to go to work during the pandemic?

A: Any worker who has a reason to believe or has reasonable grounds that the work constitutes a danger to health and safety can exercise their rights under section 43 of the Act. If possible, discuss this option with your local or the worker members of the JHSC in advance. So far, there have been a few “right to refuse” investigation and none have established reasonable grounds to refuse and no orders have been issued. Inspectors are treating investigations on a case-by-case basis and are largely deferring to government health agencies to determine if the employers are exercising their due diligence with respect to COVID-19. Where workers asked to do unsafe work can, the local can make a complaint with the Ministry of Labour or file a grievance under the Occupational Health and Safety Act.

Some examples where a right to refuse may be exercised include:

- No PPE provided where worker is required to wear or use
- No training on the PPE
- Worker’s with underlying health conditions are not isolated to reduce their exposure