

ONTARIO REGIONAL OFFICE

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MEMORANDUM

To: All Staff Representatives Servicing School Board Locals

From: Stephanie Malinsky, OSBCU Coordinator and Jackie Esmonde, Assistant OSBCU Coordinator

Date: April 6, 2020

**Re: UPDATE: April 2, 2020 (Note: updated information has been highlighted)
COVID-19: Protecting the Health and Safety of Education Workers (March 18, 2020)**

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 protocols should be put in place to ensure the workplace is safe?

A: 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. Where that is not possible, 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”. Local school boards should work with their Joint Health and Safety

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Committee and their local Public Health to develop a protocol for returning workers to work, including:

- The details and frequency of a screening process that will be in place for workers and visitors entering the work site. The Chief Medical Officer has made recommendations to ensure that public health and the public health system is protected but so far has not made any specific order for school boards. Unless there are medical orders or government direction to school boards, it is difficult to establish screening as a standard that must be enforced. As such, we are urging screening as an administrative control to reduce exposure. Screening processes may include self assessment, on-site screening (from six feet), phone calls to members/contractors.

- Direction about physical distancing measures for workers and visitors at the work site: Physical barriers should be set up where feasible. Physical distancing measures include:
 - a) keeping 2 metres (6 feet) apart from others;
 - b) avoiding mass gatherings (5 or more);
 - c) avoiding crowds.

- Steps to be taken if there are workers or visitors who have suspected / confirmed or symptoms of COVID-19: COVID-19 symptoms range from common to severe respiratory illnesses and include:
 - a) Fever;
 - b) Cough;
 - c) Muscle aches and tiredness;
 - d) Difficulty breathing.

- Direction with respect to when workers will be required to self-isolate: As of today's date, Public Health authorities have directed that you must stay home and self-isolate if you have:
 - a) A lab-confirmed COVID-19 infection, do not require hospitalization, and a medical practitioner has indicated that you can recover at home;
 - b) Symptoms of COVID-19, even if you have not been tested;
 - c) Been in close contact with someone who has tested positive for COVID-19 or has symptoms;
 - d) Travelled outside of Canada, including the United States, within the past 14 days.

Note that different municipalities may have made specific public health orders. Make sure you are following the most current municipal directives.

- Information about the Personal Protective Equipment (PPE) that will be provided.

- Additional cleaning measures that will be put in place to respond to the COVID-19 pandemic. As there should be increased disinfecting of common surfaces, the protocol should set out specific cleaning requirements related to frequency and what spaces need to be cleaned.
- Any additional training that will be provided on protocols, PPE and cleaning equipment.

Q: What kind of solutions are needed for proper cleaning to address 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 because of health and safety concerns 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:

- The employer fails to direct a co-worker who tested positive for COVID-19 to immediately leave the workplace.
- The employer fails to take reasonable steps to disinfect an area where a person known or suspected to have contracted COVID-19 was previously working.
- An employee is directed to provide service to a customer with visible symptoms of COVID-19 and they have not been provided with the appropriate personal protective equipment.
- The employer has failed to take basic precautions such as providing sinks for handwashing or requiring physical distancing.

Q: What should I do if I have been exposed to COVID-19 in the workplace?

A: Immediately inform your supervisor and follow public health instructions.

Later, once you have addressed your immediate health concerns, it is recommended that you complete the Workplace Safety and Insurance Board’s (WSIB) voluntary “[Worker’s Exposure Incident Form](#)”. You should also complete and submit a WSIB “[Worker’s Report](#)”.

of Injury / Disease ([Form 6](#)).

Completion of these forms immediately or soon after exposure will assist in showing causation and connection to the workplace if a worker becomes sick in the days and weeks after. Fax or email a copy to WSIB, your local union and keep a copy for your records.

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