

COVID-19 Returning to Work Emerging Wisely

Yellowknife Chamber of Commerce

May 2020

ROAD MAP

1. Emerging Wisely
2. WSCC Requirements for Re-Opening
3. Employees Returning to Work
 - Unsafe Work Refusals
 - Human Rights Considerations
 - Leaves of Absence
4. Privacy Considerations

Returning to the “New Normal” Emerging wisely

- Essential Steps and Containment
 - Highest level of restrictions
- Phase 1
 - Some businesses may open
 - Strict physical distancing required, protective equipment and infection control measures in place
- Phase 2 & 3
 - List of businesses that may open is expanded
- Phase 4
 - All restrictions are lifted

Returning to the “New Normal” Emerging wisely – Phase 1

- Who can open?
 - Generally subject to specific restrictions any business may open provided that:
 - There are no more than 10 persons in any indoor location;
 - There are no more than 25 persons in any outdoor location;
 - All persons who attend a business or facility shall maintain a physical distance of 2 metres or more from persons who do not reside in their household; and
 - Business have completed the required WSCC forms and documents

Returning to the “New Normal”

Emerging wisely – Phase 1 – Exceptions to the Rule

- Businesses specifically named in section 3(b) of the public health order must remain closed in Phase 1;
- Businesses in section 3(d) are subject to additional restrictions during Phase 1; and
- Essential Businesses listed in section 3(e) of the public health order may open with more relaxed restrictions than other businesses during Phase 1.

Returning to the “New Normal” Emerging wisely – Phase 1

- Businesses to Remain Closed
 - Curling rinks
 - Gymnastic clubs
 - Swimming pools
 - Indoor portions of bars & night clubs
 - Indoor Theaters (including movie theaters)
 - Indoor dine-in portions of restaurants
 - Colleges/ adult learning facilities & trade schools
 - Dental offices for non-emergency procedures
 - Non-essential workers should continue to work from home

Returning to the “New Normal”

Emerging wisely – Phase 1 – Additional Restrictions

- Prior approval and compliance with further direction from the Chief Public Health Officer
 - Kindergarten – Grade 12
 - Children’s Summer Camps
 - Outdoor areas and patios of restaurants and bars
- Golf courses & ski clubs may open but clubhouses must remain closed
- Gyms & Fitness establishments may open to personal training for a single client or clients from same household and may operate outdoor group fitness classes
- Outdoor tourism business may operate provided there are no more than 10 people in a vehicle at one time

Returning to the “New Normal”

Emerging wisely – Phase 1 – Essential Businesses

- Essential Businesses are defined as:
 - Dental clinics for emergencies
 - Shelters
 - Food rescue/ food banks
 - Grocery stores/ large retail stores
 - Gas/ Convenience stores
 - Banks
 - Liquor stores
 - Greenhouses
 - Media
 - Workplaces engaged in the provision of essential services
 - Workplaces engaged in the construction of infrastructure

Returning to the “New Normal”

Emerging wisely – Phase 1 – Essential Businesses

- Rules for Essential Businesses
 - If in person staff are limited to only those necessary to deliver services, more than 10 people are permitted indoors and more than 25 people are permitted outdoors.
 - Physically distancing of 2-meters should be observed *where possible*.

How to Open Safely

- Keep up to date on all public health orders
- Complete the necessary WSCC forms and documents
- Comply with current best practices
 - Make hand sanitizer available
 - Make tissue boxes available
 - Consider closing or limiting the use of lunch rooms in offices
 - Remove commonly shared items such
 - Clean surfaces and work areas frequently

WORKPLACE HEALTH & SAFETY

Necessary Forms and Documents

- Prior to opening businesses must complete the following:
 - Exposure Control Plan
 - Risk Assessment Form
 - Field Level Risk Assessment

WORKPLACE HEALTH & SAFETY

Joint Occupational Health & Safety Committee

- Employers must establish Joint Occupational Health and Safety Committees if they have 20 or more employees at a worksite or if they have been directed to do so by the Chief Safety Officer
- If an employer has fewer than 20 employees at a worksite then an employee or worker is designated as a representative
- Committees are made up equally of representatives of the employer and employees
- A Joint Occupational Health and Safety Committee [Code of Practice](#) can be found on the WSCC website

WORKPLACE HEALTH & SAFETY

Exposure Control Plan – s. 88

- There is no fillable form
- The Exposure Control Plan must be in writing and contain the following information:
 - ID workers who could be exposed
 - ID activities and procedures which could expose workers
 - Describe how infectious material can infect worker
 - Signs and symptoms of COVID
 - Describe infection control measures used (PPE, extra cleaning)
 - Safety practices & procedures
 - Procedures to follow in the event of exposure

WORKPLACE HEALTH & SAFETY

Risk Assessment

- The Risk Assessment Form can be found online at:
https://www.wsccl.nt.ca/sites/default/files/documents/20200421_COVID_RiskAssessmentWorkSitePrecautions_NT_Fillable-ENG.pdf
- This form does not need to be submitted to WSCC but should be accessible and easily available.
- Purpose:
 - Determine the risk level of COVID-19 exposure in the workplace
 - Identify areas of COVID-19 exposure
 - Identify control methods to protect against COVID-19 exposure

WORKPLACE HEALTH & SAFETY

Field Level Risk Assessment

- A fillable form is available at:
<https://www.wsccl.nt.ca/sites/default/files/documents/NT%20COVID-19-FIELD%20LEVEL%20RISK%20ASSESSMENT%20FOR%20WORKERS-Apr%202020-ENG.PDF>
- The Field Level Risk Assessment Form is a checklist for workers to ensure that the appropriate safety measures are in place before they start working
- This form does not have to be submitted to WSCC but should be available and accessible at all times

WORKPLACE HEALTH & SAFETY

Working from Home

- Many of our employees are working from home, does health and safety legislation continue to apply?
 - YES
 - The *Safety Act* and the Occupational Health and Safety Regulations continue to apply

WORKPLACE HEALTH & SAFETY

At Home Injury Claims & Compensation

- Workers injured at home while working are still entitled to make an injury claim and receive compensation
- At home injuries are compensable provided they “arose out of and in the course of employment”
- Most common at home claims are ergonomic claims

WORKPLACE HEALTH & SAFETY

work from home prevention

- Regular check-ins to ensure well being
- How to contact the employer during an emergency
- Safe work practices and how to report any work related incidents or injuries
- Ergonomic considerations to avoid related injuries

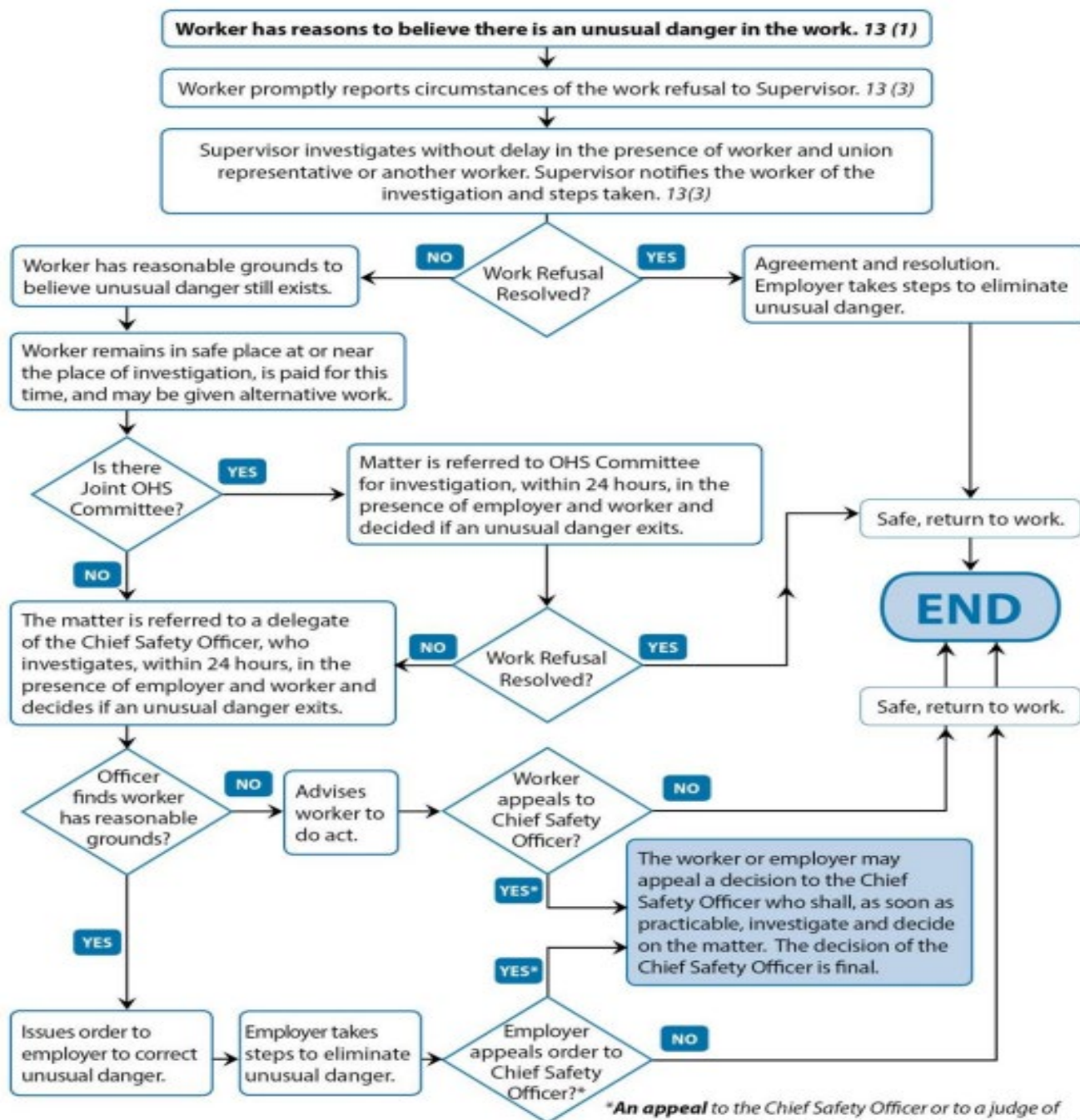
EMPLOYEES RETURNING TO WORK

- Employees are required to attend at work unless:
 - There are WSCC safety concerns
 - Human rights protections apply
 - Employment standards protections apply
 - Employee is sick (even if not covid-19 or a disability)
- If employees refuse to attend at work, they may be dismissed for job abandonment
 - Before dismissal, inquire to ensure none of the above protections apply

WORKPLACE HEALTH & SAFETY

Unsafe Work Refusals

- Workers have the right to refuse work if they believe it presents an unusual danger
- An “unusual danger” is an “a danger that does not normally exist in that work; or a danger under which a person engaged in that work would not normally carry out his or her work”
- Legislated process for addressing unsafe work refusals must be followed



**An appeal to the Chief Safety Officer or to a judge of the Supreme Court does not operate as a stay of any direction or decision given by a safety officer or the Chief Safety Officer not to use a place, matter or thing.17(2)*

HUMAN RIGHTS CONSIDERATIONS

- Disability
 - COVID-19 is likely a disability under the *Human Rights Act*
 - Ensure any restrictions are consistent with the most recent advice from public health officials and are justified for health and safety reasons
 - Accommodate employees in relation to COVID-19, unless it would amount to undue hardship
 - Consider employees with other disabilities who may be particularly vulnerable at this time

HUMAN RIGHTS CONSIDERATIONS

- Family Status
 - An employer has a duty to accommodate an employee's care-giving responsibilities to the point of undue hardship if:
 - the employee's terms and conditions of employment have changed; and
 - that change has resulted in a serious interference with a substantial parental or other family duty or obligation

HUMAN RIGHTS CONSIDERATIONS

- Age
 - Older and immunocompromised people may be disproportionately affected by COVID-19
 - Proceed cautiously

STATUTORY LEAVES – Northwest Territories

- No new COVID-19 leave enacted
 - Sick Leave
 - Diagnosed with COVID-19 and following medical direction
 - Vacation Time
 - Quarantine or self-isolation
 - Providing care to person
 - Unable to work due to travel restrictions

PRIVACY

Working from Home

- Remind employees to:
 - Be more vigilant of social engineering, malicious emails, phishing scams etc.
 - Conduct work on the company network and using work devices only
 - Protect and secure company data
 - Be conscious of privacy and confidentiality in the “home office”

PRIVACY

Working from Home

- Establish or update security protocols to ensure protection of company data
- Make sure that employees do not disable any security mechanisms like VPNs or remote access protections
- Be prepared - ensure that networks remain monitored and there is a contingency plan in place to address IT-related issues (e.g. Breach/Incident Response Plan)

PRIVACY

COVID-19 FAQs

1. Can we ask employees if they have any COVID-19 symptoms?
2. Can we ask employees to provide a medical note?
3. Can we ask employees to get tested?
4. Can we take an employee's temperature before allowing them to attend work?

PRIVACY

COVID-19 FAQs (cont.)

5. Can we disclose the identity of an employee who has COVID-19 to his/her colleagues?
6. Can we require an employee to disclose their travel plans?
7. Can we tell other employees why an employee is on leave?

Thanks for Listening

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