

Information for USW Members in Canada

Workplace Issues During COVID-19

As of April 2, 2020

Actions for Employers to Protect Workers

There are a number of steps that employers can take to improve the health and safety of workers during this time. These include:

- Ensure there is current information on COVID-19 through communications with the entire workforce. An increased awareness of COVID-19 is essential.
- Employers should follow all the protective protocols that have been proposed by public health agencies.
- Alter work areas where people have frequent contact with each other and shared objects.
- Increase the distance between desks and workstations, as well employees and customers, to at minimum two metres; or six feet.
- Promote frequent hand-washing hygiene, sneeze and cough etiquette, and most importantly, have workers **stay home when they are ill**. This includes providing access to handwashing areas and placing hand-sanitizer dispensers in prominent locations throughout the workplace.
- If a worker develops COVID-19 symptoms, they should be immediately separated from others and sent home without using public transit.
- Ensure frequent cleaning with particular attention to high-touch areas such as phones, computers, desks, kitchens and elevators and accessibility buttons.
- Stagger work breaks and lunch breaks to allow a minimum number of employees in the break/lunch room at one time (apply principles of physical distancing). In the case of worksites with showers or common cleanup areas, shift ending times should also be staggered to reduce the number of people in any one area.

Actions for Employers During This Time

We ask employers to adjust work schedules and other policies to reduce social contact. This could include:

- Flexible hours.
- Staggering start times.
- Arranging for some people to work from home.
- Instituting or increasing the use of teleconferencing.
- Relaxing sick-leave policies to support workers who are self-isolating, including the suspension of the need for medical notes. This is also important to reduce the burden on an already stressed health-care system.
- Prepare and have a plan in place for a likely increase in absenteeism due to illness among employees and their families.
- Accommodate employees who are experiencing child-care difficulties due to school and child-care closures.

The Right to Refuse Unsafe Work

While we are facing rather extraordinary circumstances during this pandemic, health and safety protections remain in place. This includes the right to refuse work that you believe is unsafe. If you find yourself in such a situation, you need to immediately inform your supervisor of your concerns and let your union representative know as well. They can help you through the process.

Any employee who believes that a condition in the workplace is likely to endanger their health or safety, can refuse to work under applicable occupational health and safety legislation. Bear in mind that the work refusal process is complicated and the legal issues raised by COVID-19 in the workplace are new and unusual. If an employee refuses to work, employers should handle the situation appropriately and the income of the employee should not be jeopardized.

Paid Sick Leave and Leave of Absence

Employees may be entitled to paid sick leave, if provided for in their collective agreement or in a workplace policy. Employees who have symptoms of COVID-19 should be treated the same as any other sick employee. If paid sick leave is not provided for in an employment contract or policy, the employer is not obligated to provide paid sick leave. The employee may, however, be eligible for Employment Insurance (EI) sick leave benefits while on their unpaid leave of absence.

An employee who has a family member who falls ill, may be entitled to an unpaid job-protected leave of absence under Employment Standards legislation, such as family responsibility leave or compassionate care leave. In addition, new measures announced by the federal government will be available for those without employer coverage: [the Canada Emergency Response Benefit \(CERB\)](#).

If an employee is not symptomatic but is subject to quarantine, employers should not terminate the employee as a result of their absence.

The Canada Emergency Response Benefit (through the Canada Revenue Agency) is available for those who have not been laid off, but whose income has been disrupted and are without access to employer sick leave. This will also apply for those caring for sick family or children that require supervision due to school closures. This benefit applies to anyone who is ill, who is self-isolating or needs to take time off because of school closure. The application will be available in April.

Discrimination and Harassment

Under human rights law throughout Canada, employees are protected from discrimination based on the prohibited grounds. Employers should take steps to guarantee that no employee is subject to discrimination as a result of a misconception that they are the carrier of a communicable disease. Any employee who has been wrongly singled out in this manner of stereotyping may have a claim for prohibited discrimination in employment.

*For more information and resources for workers,
see our USW page on COVID-19: www.usw.ca/covid19.*