

**Confronting COVID-19**

**Conducting effective  
workplace inspections**

**Thursday, June 18, 2020, 11:00 AM**

## Webinar overview

- In this webinar we will review:
  - Legal obligations of employers to protect workers
  - Duty of Ministry of Labour to ensure this occurs
  - Worker rights and responsibilities by law
  - Critical role workers and worker representatives must play in conquering COVID-19
  - JHSC and worker HSR rights and responsibilities
- WHSC checklist tool to assist effective COVID-19 workplace inspections.

## Employer general duties

- *Occupational Health and Safety Act (OHSA)* requires employers and supervisors to take every precaution reasonable in the circumstances for the protection of a worker [s. 25(2)(h) and 27(2)(c)]
- What is considered “reasonable in the circumstances” has evolved with our knowledge of the virus and routes of transmission.



## Gov't enforcement duties

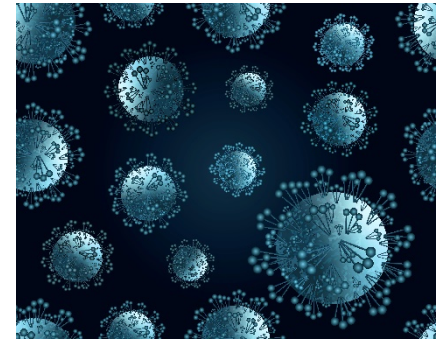
- Ontario's Ministry of Labour tells us, "While the COVID-19 situation is changing rapidly, the legislation and regulations used to govern Ontario's workplaces are not."
- Ministry of Labour has sole authority and responsibility to ensure employers meet their significant obligations to protect workers.





## Employer COVID-19-specific duties

- Ontario's Ministry of Labour tells employers they must
  - Assess the workplace to determine how workers may be exposed to COVID-19
  - Develop, post and communicate a COVID-19 policy and plan
  - Implement all reasonable control measures to prevent exposures
  - Consult JHSC and worker HSR



## Hard-won worker rights



- Workers too have a critical role to play during this pandemic. They have won 3 basic legal rights:
  - **Right to know** about the hazards they face
  - **Right (and obligation) to participate** by reporting hazards and playing a role in solutions to eliminate/control hazards
  - **Right to refuse** unsafe work.

## Worker rights (cont.)

- Right to participate is best exercised collectively through worker member(s) of a JHSC or worker HSR
- Names and work location(s) of JHSC member(s) must be posted prominently in the workplace (employer duty)



## JHSC/worker HSR rights/duties (OHSA s. 9, 8)

- Recommend the development, implementation, monitoring and improvement of COVID-19 plan and policies
- Identify situations that may be a source of danger or hazard to workers
- Recommend measures to protect workers
- Follow-up to ensure employers have acted on recommendations in a timely manner—particularly important during this pandemic



## JHSC/worker HSR rights/duties (OHSA s. 9, 8)

- Perform an inspection of the workplace at least monthly
- With evolving nature of this pandemic increased frequency should be considered
- Consider inspection prior to workers re-entering the workplace



## Inspection-specific employer duty



- Employers shall provide workers performing the inspection with such information and assistance to carry out the inspection [(s. 9(3)(29) and s. 8(9)]

## Conducting effective inspections WHSC COVID-19 checklist

### Confronting COVID-19

### Conducting effective WORKPLACE INSPECTIONS

Ontario's Ministry of Labour tells us, "While the COVID-19 situation is changing rapidly, the legislation and regulations used to govern Ontario's workplaces are not". Consequently, as ever, under Ontario's *Occupational Health and Safety Act* (OHSA) employers must take every reasonable precaution to provide a safe and healthy workplace. The Ministry of Labour must ensure that they do. And workers have three basic hard-won rights: the right to know about the hazards they face; the right to participate in solutions to eliminate hazards and/or control them when they cannot be eliminated; and the right to refuse unsafe work.

**WORKER RIGHT TO PARTICIPATE**

When it comes to the worker right to participate, this right is best exercised collectively and through worker representatives. The law provides for this too. In workplaces regularly employing 20 or more workers, or where a designated substance is in use, a joint health and safety committee (JHSC) is required. At least half of the members to the committee must not exercise managerial functions and must be chosen by workers, or where applicable, the trade union that represents the workers. In workplaces regularly employing more than five workers and fewer than 20, the workers or their union, where there is one, must choose a worker health and safety representative who also does not exercise managerial functions.

**AT LEAST MONTHLY INSPECTIONS**

Among the many legal rights and responsibilities of worker JHSC members or worker health and safety representatives is a requirement to inspect the workplace at least monthly. Barring the COVID-19 crisis, this requirement is especially important. In fact, given the evolving nature of this pandemic and what we know about the virus and its transmission, it may not be unreasonable to consider increasing the frequency of workplace inspections. Moreover, with many more workplaces poised to reopen, conducting an inspection prior to workers re-entering the workplace is equally reasonable.

**TRACKING ACTION**

The following checklist will help guide a COVID-19 workplace inspection. As every workplace is different, these questions are just some of the many issues to consider during a COVID-19-specific inspection. If proper measures are not in place, JHSC committee members or worker health and safety representatives will want to recommend a plan of immediate and specific action to the employer. It is equally important to track the implementation of recommended actions and assess their effectiveness once in place.

**N.B.** Workers Health & Safety Centre (WHSC) now offers an online COVID-19 training program, delivered virtually in real-time at scheduled dates and times. Participants engage with a highly qualified WHSC instructor and other participants. Use all WHSC programs, this program is applied adult learning principles to ensure learning is achieved.

**To learn more:**  
Visit: [www.whsc.on.ca](https://www.whsc.on.ca)  
Check out: Other WHSC COVID-19 Resources  
Call: 1-888-869-7950 toll free  
Email: [contactus@whsc.on.ca](mailto:contactus@whsc.on.ca)

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### Confronting COVID-19

### A Workplace Inspection CHECKLIST

Workers Health & Safety Centre

#### PRE-INSPECTION

CHECK BOX		REQUIRED FOLLOW UP ACTION (IF ANY)
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	Has a workplace COVID-19 policy and plan to implement the policy been prepared with the full participation of the joint health and safety committee (JHSC) or worker health and safety representative?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	Has the employer posted the full policy and plan in the workplace and communicated both to all workers, supervisors, vendors, contractors and clients/customers as appropriate, in writing and in electronic format?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	Is the hierarchy of controls driving these workplace efforts to eliminate or at least reduce the possibility of exposure to the COVID-19 virus to the lowest extent possible?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	As controls 'At the Source' are the most effective, has the workplace considered and JHSC or worker health and safety rep been properly consulted on whether to the degree possible: <ul style="list-style-type: none"> <li>Workers can work from home or continue to work from home?</li> <li>The workplace can restrict access of others to the workplace (i.e., the public, clients/customers, vendors, contractors)?</li> <li>Non-essential work can be discontinued or reduced for the duration of the pandemic?</li> </ul>	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	Has the JHSC or worker health and safety rep been fully consulted in decisions regarding: <ul style="list-style-type: none"> <li>All circumstances that require Personal Protective Equipment (PPE) use (for workers and others in the workplace)?</li> <li>Type(s) of PPE?</li> <li>Where required have workers been fit tested for PPE (i.e., N95 masks)?</li> </ul>	





## Checklist by category

- 70+ questions for consideration, broken down by topic
  - Pre-inspection
  - Physical distancing
  - Workplace personal hygiene
  - Cleaning and disinfecting
  - Ventilation
  - Personal protective equipment
  - Mental health
  - Illness containment and reporting
  - Training and information





## Pre-inspection checklist

- Has a workplace COVID-19 policy and plan to implement the policy been prepared with the full participation of the JHSC or worker HSR?
- Is the hierarchy of controls driving workplace efforts to eliminate or at least reduce the possibility of exposure to the COVID-19 virus to the lowest extent possible?
- Has the employer ensured an adequate COVID-19 training program, was JHSC or HSR involved in development or selection, and is delivery complete?
- Has an inspection protocol been established including social distancing and provision and use of PPE?

## Pre-inspection checklist

- As controls 'At the Source' are the most effective, has the workplace considered whether to the degree possible
  - Workers can work from home or continue to work from home?
  - The workplace can restrict access of others to the workplace (i.e., the public, clients/customers, vendors, contractors)?
  - Non-essential work can be discontinued or reduced for the duration of the pandemic?



## Physical distancing checklist

- Are workstations, floorplans, flow of foot traffic configured to allow for a minimum of two metres (6 feet) between workers and others who might be in the workplace?
- Are there clearly visible floor/wall markings to clarify necessary physical distancing?
- Are physical distancing measures being observed by all in the workplace?
- To the degree possible are workers assigned their own work stations and equipment, so as to limit sharing and potential spreading of the virus?



## Physical distancing checklist



- If physical distancing is not achievable are the following in place?
  - Workstations configured so workers don't face each other?
  - Partitions/barriers erected?
  - Personal protective equipment (PPE) provided?



## Personal hygiene checklist

- Are adequate hand-washing facilities with soap, hot water, disposable towels and touch-free (or open) waste bins readily available?
- Has clear, highly visible signage for proper handwashing and cough/sneeze etiquette been posted at a minimum at all workplace entrances and in all washrooms?
- Is there an enforced schedule with adequate time for workers to frequently and thoroughly wash their hands?
- Where access to hand-washing facility is not available, have workers been provided with alcohol-based hand sanitizer (at least 60 per cent alcohol content)?

## Personal hygiene checklist

- Are hand dryers disabled or otherwise out of service to prevent transmission of COVID-19 virus-containing droplets?



## Cleaning and disinfecting checklist

- Are disinfecting products readily available to workers and are they recommended by either Health Canada or the U.S. Environmental Protection Agency?
- Are high-touch surfaces cleaned and disinfected frequently throughout the workday?
- If work stations and equipment must be shared, are they cleaned and disinfected before and after use?
- Is an enhanced cleaning/disinfection protocol in place should contact tracing identify exposure to a confirmed case of COVID-19 in the workplace?

## Greener cleaners and disinfectants

- Have cleaners and disinfectants been screened for general worker health?
  - COVID-19 approved cleaners using ethanol, isopropanol, hydrogen peroxide, L-Lactic acid or citric acid.
  - Listed on EPA Safer Choice program?
  - Certified by Green Seal or Eco Logo?





## Ventilation checklist

- Has the HVAC system been assessed by a certified technician to ensure it is functioning properly (especially if the building is set to return to full occupancy)?
- Has the ventilation rate been increased and is the HVAC system running longer than normal, 24/7 if possible, to enhance air exchange and thus dilution of airborne COVID-19 virus?
- Has the amount of clean outdoor air circulating in the system been increased?
- Is the relative humidity level being kept between 40 and 60 per cent?

## PPE checklist

- Is there an adequate supply of proper PPE?
- Is it readily available for the circumstances discussed with the JHSC or worker health and safety representative?
- Are workers and other workplace parties using, caring for and discarding PPE properly?
- If required, are others such as workplace visitors or customers properly using PPE?



## Mental health checklist

- Is there any evidence of workers experiencing fear and anxiety?
- Is there a confidential mental health support plan in place (i.e., Employee Assistance Program)?
- If so, are workers (and other workplace parties) being made aware of the program, including how to access support and/or offered resources?
- If not, are workers being made aware of mental health resources publicly available?



## Illness containment and reporting

- Is a protocol in place to restrict workers/customers/clients from the workplace if they are experiencing symptoms and/or exposed to a person with a suspected, presumed, or confirmed case of COVID-19 or returned from international travel in the last 14 days?
- Is clearly visible signage in place to help promote these restrictions (in language(s) and/or symbols to ensure understanding by workers and others)?
- Is a system in place to track worker location(s) and interactions to assist with transmission tracing in the workplace?
- Has the employer designated someone to report COVID-19 cases to the appropriate authorities?



## Training and information

- Are workers and supervisors demonstrating the retention of training and hence the adequacy of training?
- Is the most current COVID-19 information posted on the health and safety bulletin board?



## Post-inspection

- If prevention solutions cannot be actioned immediately, JHSC members or worker HSR should consider recommending a plan of immediate and specific action to the employer.
- Track the implementation of recommended actions and assess ongoing effectiveness.
- The checklist we developed has left room for notes to help you record necessary remedial action.

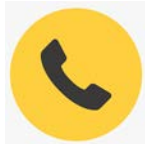


## WHSC virtual training

- Hazards of COVID-19 (3 hour)
- GHS-WHMIS (2 hour)
- JHSC Certification I (3 days)
- JHSC Certification II – Generic (2 days)
- JHSC Refresher (1 day).



## Connect with us



1-888-869-7950



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