

Legal update

Canada's coronavirus spike: an update for employers

March 2020

Employment and labour

Federal employment and labour

The number of cases of the novel coronavirus around the world has increased sharply, including several more announced in Canada, the United States, and Mexico. The number of cases in Canada is still relatively low, but employers should take steps now to prepare for the inevitable uptick in Canadian cases in the coming months.

In February 2020, following the first few Canadian cases of COVID-19, the virus commonly called "coronavirus", Norton Rose Fulbright published guidance for employers in [Quebec](#) and [Ontario, British Columbia and Alberta](#). These documents outlined employers' obligations with regard to leaves and accommodation, as well as ways to mitigate the transmission in the workplace. Within the past months, authorities have published further information on how to manage the workplace in light of the global epidemic, which we have summarized below.

Guidance provided by public health authorities

The workplace health and safety regulators of some provinces have published best practices for employers, while other provinces' regulators are directing employers to follow the advice of provincial health authorities:

PROVINCIAL AUTHORITY	GUIDANCE
<p>Quebec</p> <p>Quebec Health</p> <p>Updated March 8, 2020</p>	<p>The main symptoms are as follows:</p> <ul style="list-style-type: none">• Fever• Cough• Difficulty breathing <p>The symptoms can be mild (similar to a cold) or more severe (similar to those associated with pneumonia and respiratory or kidney failure).</p> <p>In rare cases, infection can lead to death. People most at risk of complications are those with a weakened immune system or a chronic disease and older people.</p> <p>Québec residents who develop fever or cough symptoms or respiratory difficulties when they return from a trip outside of Canada are invited to</p>

contact Info-Santé 811. As needed, the caseworker will tell them what institution to visit for a check-up. If a consultation is required, it is important for residents to inform the health care facility about their travel history before they go to the facility or when they arrive so that the necessary preventive measures can be taken.

There is no specific treatment or vaccine for the COVID-19. Supportive treatment can, however, be provided.

Most people with COVID-19 will recover on their own.

Coronaviruses usually cause infections of the nose, throat and lungs. In most cases, they are spread by:

- close contact with an infected person when the person coughs or sneezes;
- touching infected surfaces with your hands and then touching your mouth, nose or eyes.

In general, coronaviruses do not survive for long on objects:

- around 3 hours on inert objects with dry surfaces,
- 6 days on inert objects with wet surfaces.

Travellers from Hubei Province, China (the epicenter of the COVID-19 outbreak) must follow the detailed recommendations on the [Coronavirus disease \(COVID-19\) in China](#).

Travellers from Iran must follow the detailed recommendations on the [Coronavirus disease \(COVID-19\) in Iran](#).

Travellers from mainland China and other countries must follow the detailed recommendations on the Coronavirus disease (COVID-19): [Travel advice page](#).

Travellers from the MS Westerdam must follow the detailed recommendations in the *For passengers from the MS Westerdam cruise ship* section of the [Coronavirus disease \(COVID-19\) Travel advice page](#).

Recognized hygiene measures are recommended for everyone:

- Wash your hands often with soap under warm running water for at least 20 seconds.
- Use an alcohol-based hand rub if soap and water are not available.
- Practice proper cough and sneeze etiquette: Cover your mouth and your nose with the arm to reduce the spread of

	<p>germs.</p> <ul style="list-style-type: none"> • Dispose of tissues as soon as possible and wash hands afterwards. <p>Those who are worried or anxious about the coronavirus, can contact the Info-Social 811 psychosocial telephone consultation service. It is available 24 hours a day, 7 days a week.</p>
<p>Ontario</p> <p>Province of Ontario- Health & Wellness</p> <p>Updated March 8, 2020</p>	<p>The Province of Ontario's guidance on COVID-19 indicates:</p> <p>Coronaviruses are spread mainly from person to person through close contact, for example, in a household, workplace or health care centre. There is no vaccine available to protect against the 2019 novel coronavirus.</p> <p>Employees' risk of severe disease may be higher if they have a weakened immune system. This may be the case for:</p> <ul style="list-style-type: none"> • older people • people with chronic disease (e.g., diabetes, cancer, heart, renal or chronic lung disease) <p>There are everyday actions that can help prevent the spread of germs that cause respiratory illnesses. Ontarians are urged to take these everyday steps to reduce exposure to the virus and protect their health:</p> <ul style="list-style-type: none"> • Wash their hands often with soap and water or alcohol-based hand sanitizer • sneeze and cough into their sleeve • avoid touching their eyes, nose or mouth • avoid contact with people who are sick • stay home if they are sick <p>If employees are travelling to an area known to have cases of coronavirus, they should be sure to avoid:</p> <ul style="list-style-type: none"> • high-risk areas such as farms, live animal markets and areas where animals may be slaughtered • contact with animals (alive or dead), including pigs, chickens, ducks and wild birds • surfaces with animal droppings or secretions on them <p>Employees who have returned from Hubei province (China) or Iran, where returning travellers are advised to self-isolate should:</p>

	<ul style="list-style-type: none"> • contact their local public health unit within 24 hours of arriving in Canada • stay at home and avoid close contact with others, including those in their home, for a total of 14 days from the date they left Hubei province (China) or Iran • contact Telehealth Ontario at 1-866-797-0000 or their local public health unit if they experience symptoms of the 2019 novel coronavirus <p>Employees who have returned from areas under a travel health advisory for COVID-19 should:</p> <ul style="list-style-type: none"> • monitor themselves for symptoms of the 2019 novel coronavirus for 14 days after leaving the affected area • contact Telehealth Ontario at 1-866-797-0000 or their local public health unit if they experience symptoms of the 2019 novel coronavirus
<p>Alberta:</p> <p>Alberta Health Services</p> <p>Published March 8, 2020</p>	<p>Alberta Public Health Officials are recommending the following actions as a precaution:</p> <ul style="list-style-type: none"> • If employees have visited a Grand Princess Cruise, Iran or China's Hubei province in the last 14 days, it is recommended they isolate themselves until two weeks have passed since that visit. This is recommended even if they are feeling well. • Employees should self-isolate and call Health Link 811 for additional precautions and follow-up testing if they have travelled to anywhere outside of Canada and experienced any of the following: <ul style="list-style-type: none"> ○ contact with someone who was suspected or confirmed to have the novel coronavirus ○ were in a health-care facility in an affected country ○ have symptoms, such as cough or fever <p>If an employee does not meet the exposure criteria above, they do not need to stay away from work, and do not need any testing or a physician's note to attend work.</p>
<p>British Columbia:</p> <p>WorkSafe BC</p> <p>Published March 6, 2020</p>	<p>WorkSafeBC is currently advising employers and workers that special precautions for COVID-19 are not required, beyond the recommended measures to prevent common respiratory viruses like influenza.</p> <p>These measures include:</p> <ul style="list-style-type: none"> • Washing hands often, and always after coughing, sneezing, or blowing the nose.

	<ul style="list-style-type: none"> • Washing hands with soap and water for at least 20 seconds, or, if soap and water are not available, using an alcohol-based hand sanitizer. • Avoiding touching the eyes, nose, and mouth with unwashed hands. • Avoiding close contact with people who are sick. • Cleaning and disinfecting frequently touched objects and surfaces. <p>In addition, health care workers are recommended to consistently apply appropriate infection prevention and control measures, including hand hygiene, wearing appropriate personal protective equipment, including masks and eye protection, when assessing patients with respiratory illness, and performing a risk assessment before providing care.</p>
<p>Federal: Government of Canada</p> <p>Updated March 8, 2020</p>	<p>Employers and employees have a role to play in reducing the spread of infection. Further information on preparing workplaces for COVID-19 (PDF) is available from the World Health Organization.</p> <p>General Advice</p> <ul style="list-style-type: none"> • Increase awareness about COVID-19 through communication with staff. • Consider closing common areas where people have frequent contact with each other and shared objects. • Increase the distance between desks and workstations as well as employees and customers (ideally 2 metres). ◦A physical barrier like a cubicle or Plexiglas window also works to increase distance between people. <p>Hygiene</p> <ul style="list-style-type: none"> • Encourage frequent hand hygiene, sneeze and cough etiquette, and staying home when ill. ◦Consider providing additional tissues should someone develop symptoms of COVID-19. <ul style="list-style-type: none"> ◦ If COVID-19 symptoms develop, the employee should immediately be separated from others and sent home without using public transit, if possible. • Increase the frequency of cleaning to at least twice daily, with particular attention to high-touch surfaces, such as: bars, desks, phones, kitchens, computers, cash registers, elevator buttons and restaurant tables and menus. • Provide access to handwashing areas and place hand sanitizing dispensers in prominent locations throughout the

	<p>workplace, if possible.</p> <p>Flexible Work Arrangements And Sick Leave</p> <ul style="list-style-type: none"> • Where feasible, adjust policies to reduce social contact, such as: flexible hours, staggering start times, teleworking arrangements, using email and teleconferencing. • Relax sick leave policies to support employees in self-isolating when ill. This includes suspending the need for medical notes and reduces the burden on an already stressed health care system. • Prepare for increases in absenteeism due to illness among employees and their families or possibly school closures. Access your business continuity plan for how to maintain key business functions if faced with high absenteeism. • Consider the need for cross-training personnel to function in key positions. <p>Business Travel</p> <ul style="list-style-type: none"> • For business travel, check the latest information on affected areas and any travel health notices. Consider the risks and benefits related to upcoming business travel. It may be better for the health and safety of your employees if they attend meetings virtually. • International business travellers returning from affected areas should self-monitor for symptoms. Employees should contact the public health authority in the province or territory where they live. • Finally, Canada's Chief Public Health Officer has just advised against travel for leisure on cruise ships for the time being. <p>Closure</p> <p>Workplace closures may be considered in an exceptional circumstance and should be based on a risk assessment. This may be the case if many employees must be off to prevent the spread of COVID-19.</p>
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In addition, employers in all jurisdictions should consider how employees might be compensated if they cannot report to work due to diagnosed quarantine, self-quarantine, or other reasons related to the coronavirus. When considering this question, the goal will be to strike a balance between the sometimes competing health and safety obligations, human rights implications and employee privacy concerns. In doing so, employers would be wise to consider:

- Paid alternative work arrangements, if feasible
- Amending policies to allow employees to avail themselves of sick and vacation days, and any other leave entitlements under contract or a collective agreement

- Encouraging employees to inform themselves of any relief provided by the federal government for employees who are unable to work
- Encouraging employees to consult with their insurer and qualified healthcare professional to consider short-term disability leave.
- Advising employees who travel to contact their benefits provider to determine whether it will cover out of country medical costs that employees incur in “hot spots,” as some insurers may be declining coverage in these areas.

Employers are encouraged to remain vigilant regarding this developing situation. We will keep you updated as new information and best practices are made public.

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