

Released June 30th, 2020**Ontario Extends Emergency Orders until July 10th, 2020****Work Refusals due to COVID-19**

As employees make the transition back into the workplace, work refusals have increased significantly. Ontario has seen the largest increase in work refusal claims with over 278 work refusals from March 2020 to June 2020. According to the MOL, off those 278 refusals, only one related to COVID-19 was found to meet the criteria of the *Occupational Health and Safety Act, 1990*. A work refusal claim can be made due to concern of possible exposure to COVID-19, a lack of PPE, a lack of physical distancing or inadequate sanitization in the workplace. The following is the process to follow in the event of an employee refusing work:

- Have a conversation with the employee to determine why they do not feel safe returning to work. This may be as a result of a personal matter at home such as caring for an elderly family member or young children.
- It is the employer's responsibility to investigate any claims of unsafe work and implement the necessary controls to reduce or eliminate the hazard.
- If the employee is not satisfied with the hazard controls established by the employer, they can contact the MOL.
- If the MOL determines that the employer has implemented the proper hazard control measures and there is no apparent risk, the employee must return to work.

Depending on the situation, there are several options available to you to work with the employee to ensure a safe and timely return to work. **Give us a call to discuss your options!**

COVID-19 Workplace Inspections

In an effort to protect workers, customers, and the general public from COVID-19, the Provincial government has worked with Ontario's Health and Safety associations to create workplace safety guidelines for a number of industries in order to help businesses reopen. The MOL has temporarily partnered with other public regulatory bodies to add 58 workplace inspectors to the MOL's existing group of inspectors.

Employers should be aware that they may receive an unannounced visit from an inspector from the MOL or an inspector from bodies such as the Technical Standards and Safety Authority (TSSA) or the Ontario College of Trades (OCOT), acting on behalf of the MOL. No matter the inspector, the purpose of their visit will be the same:

- to provide education as to the measures the government expects employers to put in place to protect individuals from COVID-19;
- to make recommendations on what protective measures an employer can implement at their workplace;
- and to enforce non-compliance if deemed appropriate. **Note:** these inspectors will only issue non-compliance orders for contraventions of the Act as it relates to COVID-19.

Therefore, it is important that employers are prepared for a potential visit by an inspector by ensuring that they review the COVID-19 H&S guidelines and ensure that they implement control measures to minimize the risk of COVID-19 in their workplace.

Source: www.ontario.caSource: www.cbc.ca

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The team at HR Performance & Results would like to wish everyone a happy and healthy Canada Day!

Although these times may feel uncertain for some, it is important that we stay connected with loved ones and offer support to those in need within our communities. We will get through this together.