Guidance for Employers on Managing COVID-19 in the Workplace

As health authorities around the world take action to contain the spread of COVID-19, employers must also play a role in stopping the spread of this disease. This guidance document provides simple strategies to manage the spread of COVID-19 in your workplace to keep everyone safe. The strategies can and should be adapted to meet the unique needs of every workplace. Additional guidance for various sectors are found in the Other Resources section at the end of this document.

The aim and purpose of this document is to assist individuals and businesses with information related to the Ontario Government’s reopening framework as well as Toronto Public Health (TPH) requirements to reduce the spread of COVID-19. It is important to know that breaches of some of these directions will constitute offences under provincial regulations or other public health legal requirements. While we aim to provide relevant and timely information, no guarantee can be given as to the accuracy or completeness of any information provided. This guidance is not intended to nor does it provide legal advice and should not be relied upon or treated as legal advice. Users seeking legal advice should consult with a qualified legal professional.

Toronto’s Medical Officer of Health issued a Class Order enabling TPH to require the full or partial closure of workplaces, or dismissal of teams or shifts, to manage COVID-19 outbreaks, effective April 23, 2021. This order applies to all persons who own or operate or occupy a workplace in the City of Toronto, with limited exceptions, and to all workers at any workplace to which the Order applies. See details below.

General COVID-19 Guidance for All Workplaces

- Review the Guidance for Employers on Preventing COVID-19 in the Workplace to plan and implement protocols to keep staff and customers safe.
- Visit our website at toronto.ca/COVID19 often as information changes frequently.

Roles and Responsibilities of the Employer and Employee during COVID-19

<table>
<thead>
<tr>
<th>Employer Responsibilities</th>
<th>Employee Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Keep workers and workplaces safe and free of hazards.</td>
<td>Refuse unsafe work and promptly report the circumstances to your employer or supervisor.</td>
</tr>
</tbody>
</table>
**Employer Responsibilities**

- Read the [guide to the Occupational Health and Safety Act](#) to understand all of your health and safety rights and responsibilities.
- Understand COVID-19 risks.
- Control COVID-19 risks in the workplace.
- Develop a [COVID-19 workplace safety plan](#). Comply with any advice, recommendations and instructions by the Office of the Chief Medical Officer of Health and City of Toronto bylaws relevant to your organization.

**Employee Responsibilities**

- Understand and follow your employers' workplace health and safety directions (e.g. use or wear the personal protective equipment that your employer requires).
- Follow direction from public health officials. Report any circumstance in the workplace that is likely to be hazardous to the health or safety of others in the workplace. This includes reporting one's own potential exposure to COVID-19 that caused or is likely to cause illness to another person.

### Immediate Notification to Toronto Public Health

- Immediately notify Toronto Public Health (TPH) using the [COVID-19 Workplace Reporting Tool](#) as soon as you become aware of **two or more individuals** who test positive for COVID-19 within a 14-day interval in connection with your workplace premises.
- If two or more people test positive for COVID-19 within a 14-day interval in connection with your workplace premises, employers must:
  - Provide contact information for a designated contact person at the workplace premise and ensure that person is readily available to communicate with TPH and implement any additional measures immediately as required by TPH.
  - Ensure that accurate and updated contact information for all workers is made available to TPH within 24 hours of request in support of case management and contact tracing requirements for COVID-19.
  - Cooperate with infection prevention and control personnel from TPH, including allowing entry into the workplace premise for inspection, and to support enhanced infection prevention and control measures and recommendations.
- In addition to the above reporting requirements, the owner or operator or occupier shall notify Toronto Public Health via the online [COVID-19 Workplace Reporting Tool](#) as soon as they become aware of **five or more individuals** who test positive for COVID-19 within a 14 calendar-day period in connection with their workplace.
- See [Medical Officer of Health Instructions for Workplaces](#) and [Reporting Workplace Outbreaks to Toronto Public Health](#) for more information.
Businesses must ensure the [Ontario Ministry of Labour, Training, and Skills Development](https://www.ontario.ca/page/labour) and/or other relevant government authorities (e.g. [Workplace Safety and Insurance Board (WSIB)](https://wsib.on.ca)) have been notified in accordance with the [Occupational Health and Safety Act](https://www.worksafe.on.ca/ohsa), and other applicable law.

**Support the Employee with COVID-19**

- Know and communicate the rights and responsibilities of the [employer](https://www.ontario.ca/page/labour) and [staff](https://www.ontario.ca/page/labour) during COVID-19.
- Ensure you have policies that support employees who need to be absent from work due to illness or being a close contact of a person with symptoms of COVID-19 or confirmed infection.
  - Ensure that all employees are aware of the income replacement and workplace-related benefits they are entitled to if they have to isolate due to symptoms of COVID-19, being tested for COVID-19, or being a close contact of someone with COVID-19. They may also be eligible for [Canada Recovery Sickness Benefit (CRSB)](https://www.canada.ca/en/employment-skills/services/canada-recovery-sickness-benefit.html).
- Employees are responsible to report COVID-19 illness to their employer if it is likely to cause illness to another person in the workplace.
- If an employee discloses to you that they have been diagnosed with COVID-19, or have been exposed to a person with COVID-19, confirm that they are self-isolating.
- Clean and disinfect surfaces that may have been touched by an employee with COVID-19 as soon as possible.
- Employees should not return to work until after the required self-isolation period:
  - Individuals with COVID-19 must self-isolate for 10 days from the day their symptoms started. They should no longer have a fever, and their symptoms should be improving for at least 24 hours or 48 hours for gastrointestinal symptoms. If they did not have any symptoms of COVID-19 at or around the time of testing, they must self-isolate for 10 days after the test was performed.
  - Individuals with severe illness may require longer self-isolation periods, as directed by TPH.
  - Individuals who have been identified as close contacts must self-isolate for 10 days after their last exposure to the person with COVID-19, even if they test negative for COVID-19.
    - Close contacts who are fully vaccinated¹ or have tested positive for COVID-19 in the last 90 days may not be required to self-isolate if they are asymptomatic and are not immunocompromised. These individuals should follow direction provided by their local public health unit. See below for more information.
- Use the [staff screening questionnaire](#) (p. 2) to determine when it is safe to return to work.

¹ Fully vaccinated is defined as having received the second dose of a two-dose COVID-19 vaccine series, or one dose of a one-dose COVID-19 vaccine series more than 14 days ago.
- Toronto Public Health does not recommend that employers require clearance testing or doctor’s notes for return to work.

**Contact Tracing in the Workplace**

- Toronto Public Health interviews each person with COVID-19 as soon as possible to ensure they are self-isolating, and helps them to identify people who may have been exposed while they were contagious, including in the workplace.
  - A person with COVID-19 is contagious from 48 hours before symptoms start until the end of their self-isolation period, usually 10 days after symptoms began.
  - If someone tested positive for COVID-19 but did not have symptoms, they are generally considered to be contagious from 48 hours before the test to 10 days after the test.
  - Example: If an employee develops a fever and cough on September 4 and tests positive for COVID-19, they would be considered contagious between September 2 and September 14. Anyone the employee interacted with during this time would be considered exposed.

**Identify close contacts**

- Toronto Public Health will help individuals with COVID-19 to identify who is a close contact. They will provide a letter for them to give to the close contact with instructions about testing and self-isolation.
  - With the emergence of variants of concern, contact management practices have been enhanced to reflect that the virus can be more easily spread. This means that there is a lower threshold for classifying contacts as high risk of exposure and requiring self-isolation, based on a risk assessment that considers the duration of contact, use of masks and eye protection, ventilation, etc.

- **Close contacts (or higher risk contacts)** include staff, visitors or patrons who were within two metres of the person with COVID-19, with or without a mask, for a cumulative duration of 15 minutes or more, or who had direct contact with that individual while they coughed or sneezed.
  - Examples: Having lunch or a drink with co-worker at the same table sitting less than two metres apart; staff that are unable to keep distance due to the job such as working on an assembly line; or sharing a drink from the same glass or bottle.
  - Close contacts should [self-isolate](#) and [get tested](#).
    - Individuals who are not fully vaccinated must self-isolate for at least 10 days from the last day they had close contact with the positive case.
    - Close contacts who are fully vaccinated or tested positive for COVID-19 in the last 90 days may not be required to self-isolate if they:
• have no symptoms related to COVID-19;
• are not immunocompromised;
• are not a resident at a long-term care or retirement home;
• are not a hospital inpatient; and
• have not been otherwise instructed to self-isolate for 10 days by TPH.
  ▪ Close contacts who are fully vaccinated or have tested positive for COVID-19 in the last 90 days should still monitor for symptoms of COVID-19.

• **Lower risk contacts** include staff, visitors or patrons with consistent and appropriate use of recommended personal protective equipment (PPE), including surgical/procedure mask and eye protection. Situations where there may be potential increased risk, such as longer duration of indoor exposure (e.g., full shift), distance less than two meters apart, poor ventilation, or improper use of PPE, lack of an adequate physical barrier (e.g., plexiglass) may be deemed higher risk.
  o Examples: Co-workers on a production line who at times have to stand within two metres/six feet apart, both consistently wearing medical masks and eye protection; co-workers in a packing area wearing masks and consistently separated by tall and wide plexiglass barriers in an area with good ventilation; or quickly walking by the case in a hallway.
  o Lower risk contacts should **self-monitor** for symptoms for 10 days from the last day that they were exposed to the person with COVID-19 while they were contagious.

• See [What to Do if You Have COVID-19](#) for more information.

**Maintain attendance records**

• To support contact tracing, maintain attendance records of all staff, workers and volunteers (i.e. name, date, time, email address or phone number).

• Some businesses are also required to maintain contact information for all patrons/visitors who enter their facility, including:
  o Bathhouses, sex clubs
  o Businesses that provide teaching and instruction
  o Food and drink establishments with dance facilities
  o Indoor and outdoor sports and recreational fitness facilities
  o Meeting and event spaces
  o Personal physical fitness trainers
  o Restaurants, bars, etc.
  o Strip clubs
  o Tour and guide services, including boat tours
Support contact tracing and notify close contacts

- Employers may be notified by an employee or patron who may have been contagious while at the workplace.
  - The employer should work with an employee with COVID-19 to identify if others may have been exposed at the workplace while the person was contagious.
  - The employer can notify employees who were considered to have been close contacts to self-isolate and get tested, and lower risk contacts to self-monitor, for 10 days from their last exposure to the case, while maintaining confidentiality of all affected employees.
    - Use the High Risk Contact Flow Chart as a guide.
  - This approach can also be used if an employer is informed that a patron/client attended the establishment while contagious, and had close contact with their employees.
  - If a person with COVID-19 discloses illness to the employer, but others at the workplace have not been exposed (e.g. staff was not present while contagious), then further contact tracing would not be needed at the workplace.
- Employers may be notified by TPH that a person with COVID-19 may have been present at the workplace while contagious.
  - Consent is obtained from the employee before TPH discloses personal health information to the employer.
  - Upon request, be prepared to provide a list of the names and contact information of staff and, if applicable, clients or patrons, who may have been exposed. Toronto Public Health can use this information to notify and provide instructions for close contacts to self-isolate or self-monitor for COVID-19 symptoms.

Maintain privacy and confidentiality

- Personal information collected for COVID-19 contract tracing can only be used for this purpose, unless an individual provides their consent. Records should only be kept for 30 days, and then shredded.
- Ensure you maintain privacy and confidentiality of employees' and patrons' personal health information at all times. If necessary, use non-descript language if notifying others that a person who was in the workplace, floor, or area was infected or exposed to the COVID-19 virus.
- Public notification is generally not required unless persons who may have been exposed while at the workplace cannot be identified or contacted in a timely manner.
COVID-19 Outbreaks in the Workplace

All workplaces that are experiencing an active COVID-19 outbreak must comply with the requirements issued in a Class Order until cleared by Toronto Public Health (TPH). Requirements include enhanced measures related to:

- Following TPH instructions related to closing all or any part of the workplace
- Following TPH instructions related to COVID-19 testing

A workplace outbreak can be defined as **two or more confirmed COVID-19 cases** in the workplace that are linked (e.g. same work area, same shift) within a 14-day period where both cases could have reasonably become infected while at the workplace.

- Examples of having "reasonably" become infected while at the workplace include a known exposure to a staff, visitor or patron who was COVID-19 positive while in the workplace, or no obvious source of infection outside of the workplace.
- Toronto Public Health will conduct an investigation of workplace outbreaks in some circumstances.
- A public health investigation can include any of the following:
  - Interview with the employer to assess existing prevention measures and possible sources of transmission in the workplace.
    - This may be done by telephone and/or by electronic survey.
  - Request for information to help identify additional cases and tracing contacts.
    - This may include staff contact information, staff schedules, and patron logs.
    - You may be provided with an electronic link or survey to share information securely with the investigator.
  - Guidance on additional required prevention measures, including workplace restrictions and closures.
  - Recommendations on targeted testing of staff.
  - Support in communicating to staff, business partners, and the public.
  - On-site inspection of the workplace.
- Information must be provided to TPH in a timely manner to help stop further spread of COVID-19.

When there have been **five or more confirmed or probable COVID-19 cases** for individuals who have attended a workplace within a 14 calendar-day period, Toronto Public Health may, based on its assessment, by notice require:

- full workplace closure to immediately occur and continue for a minimum period of 10 calendar days; or
• partial workplace closure or shift or work area mass dismissal to immediately occur and continue for a minimum period of 10 calendar days; or
• other significant interventions necessary to address circumstances at a specific workplace.

- The Class Order may also apply to workplaces with less than five COVID-19 cases, if it is determined that significant action is required to prevent further spread of COVID-19.
- Owners, operators and occupiers of a workplace that has been fully closed by notice under this Order shall post signage in a form provided by Toronto Public Health, in a conspicuous location at all entrances to the workplace, for the duration of the closure, indicating the workplace is closed.
- If a workplace closure, or shift or work area mass dismissal is required as per the Order, all workers who are identified by Toronto Public Health or who are identified by an owner or operator or occupier of a workplace who is following Toronto Public Health instructions, must self-isolate.
- Some workplaces may be exempt from the full closure requirements.
- Full details of this Class Order can be found here: Class Order to Close Workplaces to Manage COVID-19 Outbreaks. Also see Questions & Answers - Section 22 Class Order to Close Workplaces with COVID-19 Outbreaks for more information.

Other Resources
Toronto Public Health: Reporting Workplace Outbreaks to Toronto Public Health
Toronto Public Health: COVID-19 Workplace Reporting Tool
Toronto Public Health: COVID-19: Orders & Bylaws
Toronto Public Health: COVID-19: Reopening Guidelines for Businesses & Community Organizations
Toronto Public Health: Workplace Checklists
Toronto Public Health COVID-19 Safety Plan Checklist
Province of Ontario: Guidance to Prevent COVID-19 in the Workplace (for sector-specific guidance)
Province of Ontario: COVID-19 Guidance: Workplace Outbreaks
Government of Canada: Risk-informed decision-making guidelines for workplaces and businesses during the COVID-19 pandemic
Canadian Centre for Occupational Health & Safety: COVID-19 Tip Sheets

More Information
As information changes frequently, please visit toronto.ca/COVID19 to stay up to date.