

# COVID 19 Integrated Government Guidance Document

(Federal and Provincial Government COVID 19 guidance categorized by OHCOW into safety template)

## Sources:

- **Government of Ontario:** <https://www.ontario.ca/page/resources-prevent-covid-19-workplace>
- **Government of Ontario:** <https://www.ontario.ca/page/agriculture-health-and-safety-during-covid-19>
- **ESDC:** <https://www.canada.ca/en/employment-social-development/services/foreign-workers/employer-compliance/covid-guidance.html>
- **Ontario Ministry of Health:** [http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019\\_foreign\\_workers\\_guidance.pdf](http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_foreign_workers_guidance.pdf)
- **ESDC- Letter from Ministers to employers:** <https://www.canada.ca/en/employment-social-development/corporate/notices/minister-letter-foreign-workers.html>
- **ESDC FAQs:** <https://www.canada.ca/en/employment-social-development/services/foreign-workers/employer-compliance/covid-faq.html>
- **ESDC- Coronavirus disease (COVID-19):** <https://www.canada.ca/en/employment-social-development/corporate/notices/coronavirus.html>
- **ESDC- Compliance inspections for Employers of the Temporary Foreign Worker Program during the COVID-19 pandemic** <https://www.canada.ca/en/employment-social-development/services/foreign-workers/employer-compliance/covid-inspections.html>

## Policy context:

- Ontario is releasing safety guidelines to protect workers, customers and the general public from COVID-19 as it prepares for a gradual reopening of the provincial economy.
- Employers and workers in Ontario have certain duties and rights under the *Occupational Health and Safety Act* (OHSA) and its regulations. Employers should also review and follow any applicable directives and guidance coming from the Chief Medical Officer of Health and Ministry of Health.
- As the situation regarding COVID-19 continues to evolve, please consult the TFW Program website regularly for the latest information: [canada.ca/en/employment-social-development/services/foreign-workers/employer-compliance.html](https://www.canada.ca/en/employment-social-development/services/foreign-workers/employer-compliance.html)

- In accordance with new regulations that were introduced to the Immigration and Refugee Protection Regulations (IRPR) to Parliament on April 11, 2020, and came into force on April 20, 2020, employers have a specific responsibility in helping to prevent the introduction and spread of COVID-19. Please note that, in addition to these changes, it remains your responsibility to ensure that you are complying with the conditions attached to your Labour Market Impact Assessment (LMIA) and the IRPR.
- The health and safety of Canadians and foreign workers in Canada is paramount.

#### New measures for employers who seek to bring in workers through the Temporary Foreign Worker Program

The Government of Canada is also taking measures to improve flexibility and reduce the administrative burden for employers. The following measures are being applied proactively to all existing LMIA applications under review, as well as to new applications as they are received:

- employers are not required to submit minor administrative changes to the LMIA that would not change the terms and conditions
- Recruitment requirements for LMIAs in key occupations related to the agriculture and agri-food sectors are being waived until October 31, 2020.
- LMIAs in key occupations related to the agriculture and agri-food sectors will be prioritized for processing.
- the maximum duration of employment under LMIAs is increased from 1 to 2 years for employers of workers in the low-wage stream as part of a three-year pilot
- employers applying under the Agricultural stream or Seasonal Agricultural Worker Program can submit a previously valid Housing Inspection Report (HIR), and
- the name change processes for employers wishing to change the name of already identified foreign worker, for reasons related to COVID-19, has been expedited

Note: If an employer cannot submit a valid HIR due to COVID-19, they must try to provide a satisfactory HIR obtained within the previous 3 years. They must also provide a valid HIR to ESDC within the duration of the work permit issued by that LMIA. If an employer cannot provide a satisfactory HIR obtained in the previous 3 years, an LMIA can be issued if photos of the accommodation are provided and the employer agrees to submit an updated HIR to ESDC within the duration of the work permit issued by that LMIA.

When available, further information will be posted to the [Temporary Foreign Worker Program](#) website

- While recognizing many employers, especially those in the agriculture and agri-food sectors, have traditionally had difficulty recruiting and hiring Canadians, these are exceptional times and many Canadians find themselves out of work. Employers are strongly encouraged to continue to recruit Canadians in available jobs as part of a comprehensive approach to supporting Canada's food security.

### **Worker screening**

- Like all travelers, workers will be screened prior to boarding an international flight to Canada. Workers who present with COVID-19 symptoms will not be allowed to travel.
- Temporary Foreign Workers arriving by air will undergo mandatory health checks prior to boarding and an assessment upon arrival in Canada. If your employee has symptoms before boarding, they will not be permitted to travel to Canada
- If they have **symptoms upon arrival**, they will be placed in quarantine at the point of entry or be sent to the hospital depending on the severity of condition. Once they have recovered, their admissibility will be assessed and, if applicable, they may be permitted to travel onwards to their employment.
- If they **do not have symptoms upon arrival** (referred to as asymptomatic) and meet the entry requirements, they will be permitted to travel onwards in a private vehicle to their housing where they must self-isolate for 14 days.
- Upon arrival in Canada, temporary foreign workers will be screened for COVID-19 symptoms. If they are deemed to be asymptomatic (no symptoms), and meet entry requirements, they will be permitted to travel onwards, including via a connecting flight, to their housing where they must self-isolate for 14 days.

### **General employer responsibilities**

- Ontario is releasing safety guidelines to protect workers, customers and the general public from COVID-19 as it prepares for a gradual reopening of the provincial economy. Sector guidelines contain recommendations and tips for employers on how to keep workers safe on the job. Posters for both employers and workers also offer advice on preventative actions, including physical distancing and workplace sanitation. Employers are encouraged to download the posters to print and post in the workplace.

- In accordance with new regulations that were introduced to the Immigration and Refugee Protection Regulations (IRPR) to Parliament on April 11, 2020, and came into force on April 20, 2020, employers have a specific responsibility in helping to prevent the introduction and spread of COVID-19. Please note that, in addition to these changes, it remains your responsibility to ensure that you are complying with the conditions attached to your Labour Market Impact Assessment (LMIA) and the IRPR.
- Like everyone adapting to the COVID-19 pandemic, temporary foreign workers and employers are expected to follow the latest public health and safety requirements and guidance from the Government of Canada, and from their respective provincial/territorial and local authorities, to help prevent the introduction and spread of COVID-19.
- **You must immediately inform Service Canada when your employee (s) arrive at your work location** by sending an email message to: [ESDC.ISB.QUARANTINE-QUARANTINE.DGSI.EDSC@servicecanada.gc.ca](mailto:ESDC.ISB.QUARANTINE-QUARANTINE.DGSI.EDSC@servicecanada.gc.ca)

In the email message please include:

- **Subject:** TFW arrival to (name of Business)
  - **Body:** Date and time of arrival of employee(s) to your work location, and their names.
  - Contact information for the TFW(s), if available.
  - Your contact information including mailing address. If applicable, please include a secondary contact information.
- **During the worker's initial 14-day quarantine or isolation period, you must ensure that:**
    - You do not do anything to prevent the worker's compliance with orders or regulations under the *Quarantine Act/Emergencies Act*,
    - Workers are paid wages, at least 30 hours per week, based on the hourly wage indicated on their LMIA/offer of employment, starting on the day they arrive.
    - If you provide accommodations, you must also ensure that:
      - Workers are isolated separately from other workers who are not isolating or under quarantine;
      - Accommodation for workers in quarantine at the same time, must enable the workers to remain at least 2 metres away from others;
      - Cleaning products for the purpose of cleaning and disinfecting the accommodations regularly are provided to workers who are in isolation or quarantine; and

- Workers are able to comply with provincial / territorial public health orders under the *Quarantine Act/Emergencies Act*.
- **At any time, throughout the period of employment, you must ensure that:**
  - Private accommodations, that includes their own bedroom and bathroom, is provided to a worker who develops any signs of symptoms of COVID-19; and
  - You do not do anything to prevent the worker's compliance with a provincial/territorial law that regulates public health response to COVID-19.
- Increase awareness about COVID-19 through communication with staff.
- Evaluate the workplace for 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.
- All employees should understand and comply with the infection prevention policies and practices in place in their workplaces. Employers should use the [risk-informed decision-making guidelines for workplaces and businesses during the COVID-19 pandemic](#).
- Employers and employees will need to work together to protect their own health and their clients' health, as well as deliver essential services.
- Like all Canadians, Temporary Foreign Worker Program employers and workers are expected to follow the latest public health and safety requirements and/or guidance from the [Government of Canada](#) and their provincial/territorial and local authorities to help prevent the introduction and spread of COVID-19.
- Employers should be aware of the legal framework within which they can prepare for, manage and address developments caused by the spread of this virus. It is important to ensure employers meet their workplace obligations and protect employee rights.
- Employers have an important role to play in helping to prevent the introduction and spread of COVID-19. Importantly, employers must not prevent or inhibit workers from meeting their obligations under the Quarantine Act in any way
- The Government has communicated requirements for employers in various ways:

- A guidance document (dated March 27), shared with all current employers of the TFW Program, as well as stakeholders, provinces/territories, and partner countries
  - Ongoing engagement with stakeholders and partners to respond to questions and identify and address outstanding concerns; and
  - A letter to employers from the Minister of Health and the Minister of Employment, Workforce Development and Disability Inclusion, underscoring expectations for employers and the importance of the public health requirements.
- Options for penalties for employers of temporary foreign workers under other regulatory regimes, such as the Immigration and Refugee Protection Regulations are under assessment.
  - While recognizing many employers, especially those in the agriculture and agri-food sectors, have traditionally had difficulty recruiting and hiring Canadians, these are exceptional times and many Canadians find themselves out of work. Employers are strongly encouraged to continue to recruit Canadians in available jobs as part of a comprehensive approach to supporting Canada's food security.

### **General worker responsibilities**

- Like everyone adapting to the COVID-19 pandemic, temporary foreign workers and employers are expected to follow the latest public health and safety requirements and guidance from the Government of Canada, and from their respective provincial/territorial and local authorities, to help prevent the introduction and spread of COVID-19.
- All employees should understand and comply with the infection prevention policies and practices in place in their workplaces. Employers should use the [risk-informed decision-making guidelines for workplaces and businesses during the COVID-19 pandemic](#).
- Employers and employees will need to work together to protect their own health and their clients' health, as well as deliver essential services.
- Like all Canadians, Temporary Foreign Worker Program employers and workers are expected to follow the latest public health and safety requirements and/or guidance from the [Government of Canada](#) and their provincial/territorial and local authorities to help prevent the introduction and spread of COVID-19.
- Temporary foreign workers are responsible for following all public health measures issued by government authorities within Canada. The latest

information, including contact information for local health authorities, is available at [www.canada.ca/coronavirus](http://www.canada.ca/coronavirus)

- If a worker develops symptoms such as cough, fever, or difficulty breathing at anytime, or believes they were exposed to someone who was sick with COVID-19, they must notify key people. This includes airline staff and border agents if travelling, and their employer, their roommates and public health authorities if at their place of residence or workplace. The worker could face penalties for not reporting this information travelling, and their employer, their roommates and public health authorities if at their place of residence or workplace. The worker could face penalties for not reporting this information
- During the self-isolation period, workers must follow the guidelines issued by the Government of Canada ([www.canada.ca/coronavirus](http://www.canada.ca/coronavirus)) and their province or territory of residence. This includes remaining in their place of residence and keeping a minimum of two metres away from other people.
- With the exception of those deemed exempt by the CPHO of Canada (see Q1) temporary foreign workers entering Canada are subject to the requirements of the Emergency Order 2020-0175 made under section 58 of the Quarantine Act, which includes mandatory self-isolation. Penalties of up to \$750,000 can be levied against a temporary foreign worker who violates this Order.
- Further, a person who causes a risk of imminent death or serious bodily harm to another person while wilfully or recklessly contravening the Quarantine Act or associated regulations could be liable for a fine of up to \$1,000,000 or to imprisonment of up to three years, or to both.
- The requirements of the order, which includes mandatory self-isolation in most cases, have been shared with workers including via email to work permit holders, are communicated upon entry into Canada, and are available online at [www.canada.ca/coronavirus](http://www.canada.ca/coronavirus). In addition, the federal government is working with provinces and territories to enforce these obligations, applying a risk-based, measured approach to non-compliance.

### **Inspections and reporting non-compliance**

- Service Canada has the authority under the IRPR to conduct an inspection, with or without prior notice, in order to verify your compliance with the TFW Program, **including within the first fourteen (14) days of the temporary foreign worker's arrival.**
  - Effective immediately, and during the course of the COVID-19 pandemic, Service Canada Investigators will conduct inspections that will focus on your compliance with the new IRPR requirements. These inspections will be conducted remotely/virtually, and will look for specific conditions, listed below, and must be completed within a shortened timeframe.

- If selected, a Service Canada Investigator will contact you by phone and by email and you will have up to 48 hours to provide the requested documentation by email or through an online portal. As such, it is highly recommended that you have the necessary documentation prepared in order to respond to such an inspection within the designated timeframe. If there is no response, once the Investigator makes contact, you will receive a Notice of Preliminary Finding, by email and registered mail, to which you must respond to within five (5) days. If your response is not received, we will move to the process to apply penalties.
- **During an inspection** you must co-operate with requests by investigators to conduct the inspection in a timely manner; and provide relevant documents for examination.
- All Service Canada employer inspections during the COVID-19 pandemic will be conducted virtually/remotely. When requested, information must be submitted electronically.
- **You will be asked to provide one or more of the following:**
  - Proof of wages paid (i.e. pay stubs);
  - Photos of accommodations respecting social distancing space if more than one worker is in quarantine at the same time (i.e. sleeping quarters with beds 2 metres apart using tape measure, dining areas with chairs 2 metres apart using tape measure, and kitchen and washroom facilities);
  - Photos of private isolation space if it is deemed necessary for the worker to be in separate accommodations; and
  - Proof of adequate supply of sanitation products for the worker to use (paper towels, household cleaning and disinfecting products, dish soap, laundry soap, sanitizers, etc.).
- **Sending documents**
- Any information containing personal information, such as Social Insurance Numbers, banking information, or medical information, must be redacted, prior to sending to the Investigator. This does not include names or contact information.
- You will be able to email these documents directly to the Service Canada Investigator during the investigation. You will also have the option to upload these documents through your LMIA Online account. Once uploaded, and to ensure your documents are received in a timely manner, please inform the Investigator by responding directly to the Investigator's email address.



- During the course of the inspection, you may be asked for a virtual tour of the accommodations and/or facilities to verify these requirements. Some workers will be contacted for interviews conducted by phone or video conference.

### **Penalties for non-compliance**

- If an illness related to COVID-19 is detected, Service Canada Investigators will immediately report this information to local public health officials who will take action as necessary.
- If you are found non-compliant as a result of a Service Canada inspection, specifically to the new IRPR requirements related to COVID-19, the Department has the authority to apply the most severe consequences possible.
- Penalties, depending on the severity of the violation, may include one or more of the following:
  - Administrative monetary penalties ranging from \$1,000 to \$100,000 per violation, up to a maximum of \$1 million over one year;
  - A ban of one, two, five or ten years, or permanent bans for the most serious violations;
  - The publication of your business name and address on a public website with details of the violation(s) and/or consequence(s); and/or
  - The revocation of previously-issued LMIAs.
- You have the right to judicial review should you not agree with the final decision.
- Individuals who observe suspected violations of the Quarantine Act on the part of anyone, including a self-isolating worker, are asked to notify local law enforcement.
- Individuals who observe a suspected contravention of the expectations of employers are asked to report through ESDC's Online Fraud Reporting tool – a secure online process for submitting information that will be reviewed by program officers, and who will take action as appropriate. Alternatively, individuals can call the toll-free Service Canada Confidential Tips Line at 1-866-602-9448. These tools can also be used to report other incidents of non-compliance with program rules and requirements.

### **Connecting to local public health units and health care**

- It is also advised that each farm or food business notify the local [public health unit](#) of new TFW arrivals and discuss further guidance and/or inspections of foreign worker farm housing, as needed.

## **Identifying local health care access strategy**

- Temporary foreign workers should receive coverage equivalent to other residents of Canada. For workers in the low-wage and primary agriculture streams, including the Seasonal Agricultural Worker Program, if provincial/territorial health care is not provided from the first day the worker arrives in Canada, equivalent private health insurance must be provided by the employer until the worker becomes eligible for the provincial/territorial plan
- In the current context, some private insurers may no longer cover COVID-19 related issues. Some provinces are waiving typical waiting periods for provincial coverage. We are continuing to assess the situation and will work with provinces and other partners to address gaps. In the meantime, existing employer obligations still apply.

## **Safe pickup of workers from Canadian airports and safe travel to farms**

- The TFW sector proposal indicates adequate transportation methods to farms and food businesses. Transportation will be arranged by farms and food businesses that would ensure TFWs remain isolated from the general population while in transit to their housing and worksites. No public transit is required.
- Employers have identified means through which they can prevent exposure to existing workers and/or business operators.

## **Communicating COVID 19 safety plan to arriving workers**

- **Worker education:**
  - The employer is asked to provide information to the worker on COVID-19 (see [www.canada.ca/coronavirus](http://www.canada.ca/coronavirus) for resources) either on or before their first day of self-isolation. With a view to promoting understanding by all workers, it is suggested that information be provided in a language the worker understands, and that consideration be given to providing this information in writing and/or orally (e.g. by phone, etc.), as appropriate. Several resources are available online. In addition, the Public Health Agency of Canada has some materials available in several languages for use, which can be accessed by calling 1-833- 784-4397 or emailing [phac.covid19.aspc@canada.ca](mailto:phac.covid19.aspc@canada.ca).
  - The employer is asked to post information about preventing the spread of COVID-19 in key workplace areas to reiterate key safety messages.

## **Plan for ongoing COVID 19 safety communication (E.g. check ins, safety assessments and announcements)**

- The Ontario Ministry of Health has provided recommendations and tools for both active and passive screening, these are available on the ministry's [COVID-19 website](#). Screening activities should be focused on TFWs and should be done on a regular basis throughout the day.
- Employers of TFWs should implement active screening (e.g. asking questions) in addition to passive screening (e.g. signage) measures:
- **Passive screening.** Existing signage should:
  - be clear, visible and able to be read by all;
  - warn individuals to not work if experiencing respiratory symptoms; encourage individuals to practice hand hygiene; and encourage individuals to follow proper respiratory etiquette.
- **Active screening:**
  - Instruct TFWs to self-monitor for symptoms such as fever, cough, or difficulty breathing ([How to Self-Monitor](#));
  - All TFWs and employers are able to use the [Ministry of Health's online COVID-19 self-assessment tool](#) if they need help determining whether they should seek further care;
  - Consider having a screener at farm to conduct active screening of TFWs and ensure the following conditions are in place:
    - Screening tables are located in an area away from others and away from any high traffic areas; o there is an appropriate supply of hand sanitizer at the screening table.
    - If the screeners are able to maintain a distance of at least 2 metres/6 feet from those being screened, or if they are able to be separated by a physical barrier such as a plexiglass barrier, the screener does not need to wear Personal Protective Equipment (PPE) while screening, otherwise, the appropriate PPE must be worn:
      - Surgical / procedure mask, gown, gloves, eye protection, goggles, face shield,

## **Plan for communicating with non-English speaking workers.**

(Nothing)

## Safe worker housing and COVID 19

- The requirement is for employer to provide housing which ensures that workers remain two metres apart applies during the mandatory self-isolation period.
- It is recommended that workers continue to practice social distancing and good hygiene habits beyond the two-week period, in an effort to reduce the spread of COVID-19. Employer-provided housing that enables this would support public health objectives.
- Surfaces in the accommodations should be cleaned and disinfected regularly and workers should have access to facilities that enable them to wash their hands often with soap and warm water, or use an alcohol-based sanitizer if soap and water are not available. Employers are also expected to follow any unique guidelines established by the province in which they operate.
- The employer must ensure that all workers have the tools needed to practice good hygiene. This includes access to facilities that enable them to wash their hands often with soap and warm water, providing soap, and providing an alcohol- based sanitizer if soap and water are not available and hands are not visibly soiled
- The employer should ensure that surfaces in the accommodations are cleaned and disinfected regularly. It is suggested that surfaces in bathrooms, kitchens and common areas be cleaned and disinfected daily, or more often as required, and that a log be maintained. Workers can do this, as it constitutes essential care. The employer can also use the services of a professional cleaner, if desired. Regardless, the employer is expected to provide the cleaning materials (e.g. paper towels, household cleaning and disinfection products, dish soap and laundry soap).
- The employer is asked to post information about preventing the spread COVID-19 in the accommodations, including information that outlines best practices for workers in maintaining bathroom and other washing facilities. It is suggested that such information be posted in bathrooms, kitchens and common areas, and that it be posted in the language of the worker. Several resources are available online (visit the Resources section of [www.canada.ca/coronavirus](http://www.canada.ca/coronavirus)). In addition, the Public Health Agency of Canada has some materials available in several languages for use, which can be accessed by calling 1-833-784-4397 or emailing [phac.covid19.aspc@canada.ca](mailto:phac.covid19.aspc@canada.ca).

- The employer can house workers who are subject to self-isolation together, but the housing must enable them to be two metres apart from each other at all times. For example, beds must be at least two metres apart. Shared facilities (e.g. bathroom, kitchen, living space) are allowed, provided that there is sufficient space in the accommodations for workers to respect the self-isolation requirements. If this requirement cannot be met, alternate accommodations (e.g. hotel) may be required. In the best interest of all parties, it is recommended that date-stamped photos be taken of the facilities, including the bedroom, to demonstrate compliance.
- • Note: If new workers are housed for self-isolation in the same accommodations as others who are self-isolating, the clock resets to the day the most recent worker arrived. This is to account for the potential exposure of the new person from outside of the country to those already here.
- Food within foreign worker housing should be protected from contamination at all times. This may include safe distancing or ensuring guards or coverings for food, and utensils.
- Ensure all hand wash sinks are supplied with soap and paper towels or a working hot air dryer.
- As an employer of temporary foreign workers, you will be responsible for facilitating your employees' self-isolation according to the following public health requirements, and those employers required to provide housing under program policy must ensure it meets these minimum standards:
  - providing adequate space in accommodations to allow for social distancing (remain 2 metres apart at all times);
  - ensuring those who are in self-isolation are separated from other individuals who are not in self-isolation;
  - keeping self-isolated workers away from older adults and those with medical conditions who are at risk of developing serious illness; and,
  - providing materials that enable workers to practice adequate sanitation (i.e. soap).

### **Worker two week isolation\ quarantine**

- **During the worker's initial 14-day quarantine or isolation period, you must ensure that:**

- You do not do anything to prevent the worker's compliance with orders or regulations under the *Quarantine Act/Emergencies Act*,
- Workers are paid wages, at least 30 hours per week, based on the hourly wage indicated on their LMIA/offer of employment, starting on the day they arrive.
- If you provide accommodations, you must also ensure that:
  - Workers are isolated separately from other workers who are not isolating or under quarantine;
  - Accommodation for workers in quarantine at the same time, must enable the workers to remain at least 2 metres away from others;
  - Cleaning products for the purpose of cleaning and disinfecting the accommodations regularly are provided to workers who are in isolation or quarantine; and
  - Workers are able to comply with provincial / territorial public health orders under the *Quarantine Act/Emergencies Act*.
- The employer can withhold standard contract deductions (for example Employment Insurance, housing, transportation, etc.) as per applicable Program stream requirements. The employer is not allowed to deduct any additional amounts due to the self-isolation period.
- This requirement will also apply to workers in the Seasonal Agricultural Worker Program (SAWP) and the 14-day period of paid self-isolation will be in addition to the minimum 240 hours of pay as specified in the SAWP contract
- The employer cannot authorize the worker to work during the self-isolation period, even if requested by the worker, with the exception of those deemed as providing an essential service by the Chief Public Health Officer of Canada (see Q1). In addition, the employer cannot ask the worker to perform other duties during that period, such as building repairs or administrative tasks.
- Employers are responsible for paying their temporary foreign workers for a minimum 30 hours per week during self-isolation, and at the rate of pay specified on the Labour Market Impact Assessment. This is consistent with the TFW Program's genuineness policy, which indicates that reasonable employment needs are a full time workload (for example, a minimum of 30 hours per week)
- During the self-isolation period, workers must follow the guidelines issued by the Government of Canada ([www.canada.ca/coronavirus](http://www.canada.ca/coronavirus)) and their province or territory of residence. This includes remaining in their place of residence and keeping a minimum of two metres away from other people
- As an employer of temporary foreign workers, you will be responsible for

facilitating your employees' self-isolation according to the following public health requirements, and those employers required to provide housing under program policy must ensure it meets these minimum standards:

- providing adequate space in accommodations to allow for social distancing (remain 2 metres apart at all times);
- ensuring those who are in self-isolation are separated from other individuals who are not in self-isolation;
- Keeping self-isolated workers away from older adults and those with medical conditions who are at risk of developing serious illness; and, providing materials that enable workers to practice adequate sanitation (i.e. soap).
- Workers are required to [self-isolate](#) and not work for a period of 14 days starting from their arrival in Canada.
- It is intended that a temporary foreign worker's period of employment will begin upon their arrival to Canada, will include any mandatory self-isolation period and that they will be paid during this period.
- Like all travelers, including Canadian citizens and permanent residents, TFW's who enter Canada by air or land will undergo the necessary health checks and must isolate for 14 days upon arrival in Canada.
- During the 14-day period, the employer should supply the TFWs with necessary supplies required to self-isolate (i.e., adequate food, potable water, toiletries etc.).
- According to ESDC, employers are responsible for regularly monitoring the health of workers who are self-isolating, as well as any employee who becomes sick after the self- isolation period.

### **Guaranteeing groceries and essential goods for workers during quarantine period.**

- During the 14-day period, the employer should supply the TFWs with necessary supplies required to self-isolate (i.e., adequate food, potable water, toiletries etc.).
- Employers are responsible for paying their temporary foreign workers for a minimum 30 hours per week during self-isolation, and at the rate of pay specified on the Labour Market Impact Assessment. This is consistent with the TFW Program's genuineness policy, which indicates that reasonable employment needs are a full time workload (for example, a minimum of 30

hours per week)

**Connecting workers to available remote\virtual wellbeing supports to help with quarantine period and with continued social distancing that may follow. E.g. mental health\ stress support, faith based support, phone\internet access to connect with family etc.**

## **Mental health**

In the midst of the COVID-19 pandemic, employees may be experiencing:

- a high degree of uncertainty
- worry
- anxiety, and
- stress about the health and safety of their loved ones and themselves

Employees may also be experiencing disruptions to their work and personal lives. Some may also be experiencing harmful behaviours from colleagues.

Employers must address these behaviours in the workplace's violence prevention policy. The policy addresses factors which are components of psychological violence, such as:

- bullying
- teasing, and
- other aggressive behaviour

To learn more about how to address psychological violence in the workplace:

- For employers: consult our [Guide to violence prevention in the workplace](#).
- For employees: consult [Healthy Minds at Work](#).

The Mental Health Commission of Canada has created a [resource hub for mental health and wellness during the COVID-19 pandemic](#) with credible information and resources.

## **Preparing the workplace for COVID 19.**

- Encourage frequent hand washing, sneeze and cough etiquette, and **staying home when ill**.



- If COVID-19 symptoms develop, the employee should immediately be isolated from others and sent home without using public transit, if possible.
- Ensure frequent cleaning and disinfecting, with particular attention to high-touch surfaces, such as:
  - bars
  - desks
  - phones
  - kitchens
  - computers
  - cash registers
  - elevator buttons
  - restaurant tables and menus
- Provide access to handwashing areas and place hand sanitizers in prominent locations throughout the workplace, if possible.
- More information is available related to [COVID-19 in the workplace for employers, employees and essential service workers](#) (including work-related travel).
- Increase awareness about COVID-19 through communication with staff.
- Evaluate the workplace for 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.
- Health and safety in the workplace is a shared responsibility. Both employers and employees must take steps to prevent the spread of COVID-19 in the workplace.
- Employers should be aware of the legal framework within which they can prepare for, manage and address developments caused by the spread of this virus. It is important to ensure employers meet their workplace obligations and protect employee rights.

## **Employer responsibilities under Part II of the Canada Labour Code**

(Language used could be useful for provincial context)

- Employers are responsible for protecting the health and safety of employees at work. They are required to implement preventative measures to ensure employees are not exposed to conditions that could be harmful to their health or safety while working.

## **Employer responsibilities under Part II of the *Canada Labour Code***

- Employers are responsible for protecting the health and safety of employees at work. They are required to implement preventative measures to ensure employees are not exposed to conditions that could be harmful to their health or safety while working.
- Updating or creating a hazard prevention program
- [Hazard prevention programs](#) are prepared in response to the hazards at a particular workplace.
- Employers are required to update or create their own hazard prevention programs, including updating their hazard prevention program to address a biological hazard such as COVID-19.
- Workplace parties should consider whether doing certain tasks puts employees at greater risk of exposure to coronavirus.
- When the workplace identifies a new hazard such as COVID-19, employers must: develop and implement changes to the workplace hazard prevention program, and monitor their effectiveness

Supporting the [Internal Responsibility System](#), the employer must make all revisions to the workplace hazard prevention program by consulting with:

- the policy health and safety committee
- the workplace health and safety committee, or
- the workplace health and safety representative

### **If personal protective equipment is required, employers must:**

- inform the employees
- provide training and procedures on how to use the equipment, and

- keep training records

### **Employees' responsibilities include:**

- following safety procedures
- using safety equipment, devices and clothing as required, and
- reporting any safety issues to management

The Canadian Centre for Occupational Health and Safety (CCOHS) has prepared a [fact sheet](#) with information on what workplaces can do to mitigate the impact of COVID-19.

- Detailed general occupational health and safety guidelines for COVID-19 are available on the [MOH COVID-19 website](#).
- Physical distancing
- Everyone in Ontario should practice physical distancing of 2 metres/6 feet to reduce their exposure to other people. Employers should facilitate arrangements to ensure that this is practiced in the workplace to every extent possible. Consider staggering lunch breaks and cancelling any planned events.

### **Workplace Hygiene**

- The employer must ensure that all workers have the tools needed to practice good hygiene. This includes access to facilities that enable them to wash their hands often with soap and warm water, providing soap, and providing an alcohol-based sanitizer if soap and water are not available and hands are not visibly soiled
- Surfaces in the accommodations should be cleaned and disinfected regularly and workers should have access to facilities that enable them to wash their hands often with soap and warm water, or use an alcohol-based sanitizer if soap and water are not available. Employers are also expected to follow any unique guidelines established by the province in which they operate.
- The employer should ensure that surfaces in the workplace are cleaned and disinfected regularly. It is suggested that surfaces in bathrooms, kitchens and common areas be cleaned and disinfected daily, or more often as required, and that a log be maintained. Workers can do this, as it constitutes essential care. The employer can also use the services of a professional cleaner, if desired. Regardless, the employer is expected to provide the cleaning materials (e.g. paper towels, household cleaning and disinfection products, dish soap and

laundry soap).

- Ensure all hand wash sinks are supplied with soap and paper towels or a working hot air dryer.

Please refer to the [Cleaning and Disinfection Information sheet](#).

**Step 1 Cleaners:** break down grease and remove organic material from the surface.

- Used separately before using disinfectants.
- Can be purchased with cleaner and disinfectant combined in a single product.

**Step 3 Disinfectants:** have chemicals that kill most germs. Disinfectants are ideal for frequently touched surfaces.

- Applied after the surfaces have been cleaned.
- Have a drug identification number (DIN).

### **Disinfectant wipes**

- Have combined cleaners and disinfectants in one solution.
- May become dry due to fast drying properties. Should be discarded if they become dry.
- Not recommended for heavily soiled surfaces.

### **Prepare products for use**

- Where possible, use pre-mixed solution.
- Read and follow manufacturer's instructions to properly prepare solution; allow adequate contact time for disinfectant to kill germs (see product label); wear gloves when handling cleaning products including wipes; wear any other personal protective equipment recommended by the manufacturer.
- Commonly used cleaners and disinfectants are effective against COVID-19.
- Frequently touched surfaces are most likely to be contaminated.

- Use only disinfectants that have a Drug Identification Number (DIN). A DIN is an 8-digit number given by Health Canada that confirms it is approved for use in Canada.
- Check the expiry date of products you use and always follow manufacturer's instructions.
- In addition to routine cleaning, surfaces that have frequent contact with hands should be cleaned and disinfected at least twice per day and when visibly dirty.
- Examples of frequently touched surfaces include doorknobs, light switches, toilet handles, counters, hand rails, touch screen surfaces, table tops, chairs, food contact surfaces, meal trays and kitchen and buffet serving utensils.

### **Worker symptom screening**

- Employers are responsible for monitoring the health of employees and reporting to local health authorities anyone who becomes symptomatic. This includes temporary foreign workers as well as others that you may employ.
- The Ontario Ministry of Health has provided recommendations and tools for both active and passive screening, these are available on the ministry's [COVID-19 website](#). Screening activities should be focused on TFWs and should be done on a regular basis throughout the day.
- Employers of TFWs should implement active screening (e.g. asking questions) in addition to passive screening (e.g. signage) measures:

#### **Passive screening.** Existing signage should:

- be clear, visible and able to be read by all;
- warn individuals to not work if experiencing respiratory symptoms; encourage individuals to practice hand hygiene; and encourage individuals to follow proper respiratory etiquette.

#### **Active screening:**

- Instruct TFWs to self-monitor for symptoms such as fever, cough, or difficulty breathing ([How to Self-Monitor](#));

- All TFWs and employers are able to use the [Ministry of Health's online COVID-19 self-assessment tool](#) if they need help determining whether they should seek further care;
- Consider having a screener at farm to conduct active screening of TFWs and ensure the following conditions are in place:
  - Screening tables are located in an area away from others and away from any high traffic areas; o there is an appropriate supply of hand sanitizer at the screening table.
  - If the screeners are able to maintain a distance of at least 2 metres/6 feet from those being screened, or if they are able to be separated by a physical barrier such as a plexiglass barrier, the screener does not need to wear Personal Protective Equipment (PPE) while screening, otherwise, the appropriate PPE must be worn:
  - Surgical/procedure mask; o gown; o gloves; o eye protection (goggles or face shield).

### **Personal Protective Equipment (PPE)**

- Consult with local community partners to source PPE, if needed.

### **If personal protective equipment is required, employers must:**

- inform the employees
- provide training and procedures on how to use the equipment, and
- keep training records

### **Considerations for supporting OHS in Farming operations during COVID 19 outbreak.**

- Encourage frequent [hand washing](#), sneeze and cough etiquette, and **staying home when ill**.
- If COVID-19 symptoms develop, the employee should immediately be isolated from others and sent home without using public transit, if possible.
- Ensure [frequent cleaning and disinfecting](#), with particular attention to high-touch surfaces, such as:
  - bars
  - desks
  - phones
  - kitchens

- computers
  - cash registers
  - elevator buttons
  - restaurant tables and menus
- Provide access to handwashing areas and place [hand sanitizers](#) in prominent locations throughout the workplace, if possible.
  - Increase awareness about COVID-19 through communication with staff.
  - Evaluate the workplace for 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.
  - More information is available related to [COVID-19 in the workplace for employers, employees and essential service workers](#) (including work-related travel).

### **Coronavirus (COVID-19) in federally regulated workplaces**

(Language could be good for use in provincial context)

- With the spread of the coronavirus disease (COVID-19), employers and employees in [federally regulated workplaces](#) may face significant disruptions in the workplace. We are monitoring the impact of COVID-19 closely and taking it very seriously.
- Health and safety in the workplace is a shared responsibility. Both employers and employees must take steps to prevent the spread of COVID-19 in the workplace.
- Employers should be aware of the legal framework within which they can prepare for, manage and address developments caused by the spread of this virus. It is important to ensure employers meet their workplace obligations and protect employee rights.

### **Roles and responsibilities**

- The Labour Program is responsible for administering [Part II of the Canada Labour Code](#) (the Code).
- The [Public Health Agency of Canada](#) is responsible for preparing for and responding to any infectious disease emergencies that may happen in Canada.

## **Employer responsibilities under Part II of the *Canada Labour Code***

- Employers are responsible for protecting the health and safety of employees at work. They are required to implement preventative measures to ensure employees are not exposed to conditions that could be harmful to their health or safety while working.

### **Updating or creating a hazard prevention program**

[Hazard prevention programs](#) are prepared in response to the hazards at a particular workplace.

Employers are required to update or create their own hazard prevention programs, including updating their hazard prevention program to address a biological hazard such as COVID-19.

Workplace parties should consider whether doing certain tasks puts employees at greater risk of exposure to coronavirus.

When the workplace identifies a new hazard such as COVID-19, employers must:

- develop and implement changes to the workplace hazard prevention program, and
- monitor their effectiveness

Supporting the [Internal Responsibility System](#), the employer must make all revisions to the workplace hazard prevention program by consulting with:

- the policy health and safety committee
- the workplace health and safety committee, or
- the workplace health and safety representative

If personal protective equipment is required, employers must:

- inform the employees
- provide training and procedures on how to use the equipment, and
- keep training records

Employees' responsibilities include:

- following safety procedures
- using safety equipment, devices and clothing as required, and
- reporting any safety issues to management



The Canadian Centre for Occupational Health and Safety (CCOHS) has prepared a [fact sheet](#) with information on what workplaces can do to mitigate the impact of COVID-19.

## **Employee rights under Part II of the *Canada Labour Code***

Under the *Code*, employees have 3 basic rights:

- the right to know
- the right to participate, and
- the right to refuse dangerous work

**Definition of danger:** "any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered."

More information on the right to refuse dangerous work and the investigation process: [Right to refuse dangerous work](#)

## **Mental health**

In the midst of the COVID-19 pandemic, employees may be experiencing:

- a high degree of uncertainty
- worry
- anxiety, and
- stress about the health and safety of their loved ones and themselves

Employees may also be experiencing disruptions to their work and personal lives. Some may also be experiencing harmful behaviours from colleagues.

Employers must address these behaviours in the workplace's violence prevention policy. The policy addresses factors which are components of psychological violence, such as:

- bullying
- teasing, and
- other aggressive behaviour

To learn more about how to address psychological violence in the workplace:

- For employers: consult our [Guide to violence prevention in the workplace](#).
- For employees: consult [Healthy Minds at Work](#).

The Mental Health Commission of Canada has created a [resource hub for mental health and wellness during the COVID-19 pandemic](#) with credible information and resources.

## Reporting requirements

Employees are required to report hazardous occurrences to their employer. This includes reporting their own potential exposure to COVID-19 that caused or is likely to cause illness to themselves or to any other person.

## Employers are required to:

- report continued refusals to work to the Labour Program as soon as possible once all workplace investigations have taken place
- contact the Labour Program at 1-800-641-4049 (toll free). An official delegated by the Minister of Labour will follow up with employers to review Code requirements related to refusals to work
- investigate instances of employees with confirmed COVID-19 resulting in exposure to other employees, and for preventing recurrence of exposure, and
- report known cases of employees confirmed to be infected with COVID-19 in the workplace using the Hazardous Occurrence Investigation Report
- During and following the 14-day self-isolation period, we expect that all employers will continue to support efforts to minimize the introduction and spread of COVID-19 by following the latest public health requirements and/or guidance from the Government of Canada and the province in which they operate. As the situation regarding COVID-19 is evolving rapidly, we encourage you to consult these [resources](#) regularly.
- As per existing Program requirements, employers are required to follow all applicable federal and provincial/territorial employment and health and safety laws. This includes new provisions in several jurisdictions for job-protected sick leave as a result of the COVID-19 pandemic
- Ontario is currently in the midst of a global pandemic. While the COVID-19 situation is changing rapidly, the legislation and regulations used to govern Ontario's workplaces are not.
- Employers have obligations to protect workers from hazards in the workplace as set out in the *Occupational Health and Safety Act (OHSA)* and its regulations and the directives coming from the Chief Medical Officer of Health.

- Detailed general occupational health and safety guidelines for COVID-19 are available on the [MOH COVID-19 website](#).
- Any instances of occupationally-acquired infection shall be reported to WSIB within 72 hours of receiving notification of said illness.
- For more information please contact the Ministry of Labour, Training and Skills Development:
- Employment Standards Information Centre: Toll-free: 1-800-531-5551 o Health and Safety Contact Centre: Toll-free: 1-877-202-000

**Supporting workers in feeling confident to report sickness\ feeling sick to management.**

**(Nothing)**

**Explain how sick workers will receive financial support while recovering, to remove some financial pressure that could result in workers not reporting sickness.**

- It is intended that a temporary foreign worker's period of employment will begin upon their arrival to Canada, will include any mandatory self-isolation period and that they will be paid during this period.
- Employers are responsible for paying their temporary foreign workers for a minimum 30 hours per week during self-isolation, and at the rate of pay specified on the Labour Market Impact Assessment. This is consistent with the TFW Program's genuineness policy, which indicates that reasonable employment needs are a full time workload (for example, a minimum of 30 hours per week)
- This requirement will also apply to workers in the Seasonal Agricultural Worker Program (SAWP) and the 14-day period of paid self-isolation will be in addition to the minimum 240 hours of pay as specified in the SAWP contract
- If the worker becomes ill after the initial self-isolation period, they may be entitled to either paid or unpaid sick leave, depending on their employment contract and the relevant federal, provincial or territorial employment standards. This could include new provisions in several jurisdictions for job-protected leave because of the COVID-19 pandemic
- A worker may also be eligible for Employment Insurance (EI) or the Canada Emergency Response Benefit (CERB). In both cases, temporary foreign

workers are subject to the same eligibility criteria as Canadians and permanent residents:

- EI sickness benefits are available to people who are unable to work due to illness, injury or quarantine, but who would be available to work if it were not for their medical condition. There are eligibility criteria, such as minimum insurable hours. More details can be found on the EI sickness benefits web page
- The recently announced CERB will provide temporary income support to workers who are without employment or self-employment income due to COVID-19. This includes workers who have temporarily stopped working, lost their job, are sick or in quarantine, or need to care for a child or a family member. More details can be found on the Canada Emergency Response Benefit web page
- If your employees are directly affected by the coronavirus (COVID-19) and they are no longer working, you must issue a Record of Employment (ROE).
- When the employee is sick or quarantined, use code D (Illness or injury) as the reason for separation (block 16). Do not add comments.

### **Responding to a worker becoming sick during quarantine period.**

- **At any time, throughout the period of employment, you must ensure that:**
  - Private accommodations, that includes their own bedroom and bathroom, is provided to a worker who develops any signs of symptoms of COVID-19; and
- You do not do anything to prevent the worker's compliance with a provincial/territorial law that regulates public health response to COVID-19
- If your employees are directly affected by the coronavirus (COVID-19) and they are no longer working, you must issue a Record of Employment (ROE).
- When the employee is sick or quarantined, use code D (Illness or injury) as the reason for separation (block 16). Do not add comments.
- If a worker becomes symptomatic at any time, the employer must immediately arrange for the worker to be fully isolated from others, and contact local public health officials. If this takes place during the initial self-isolation period, the worker will be paid (see Q7)
- If a worker becomes symptomatic at any time, including after the self-isolation period, the employer must immediately arrange for the worker to be fully isolated from others, and contact local public health officials. Where applicable, employers should also contact the appropriate consular officials.

- The employer (and worker) must then follow the advice/direction of the local public health authority, and facilitate the continued isolation of the worker for either a minimum of 14 days since the first onset of symptoms, or until the public health authority deems necessary.
- Employers are responsible for monitoring the health of employees and reporting to local health authorities anyone who becomes symptomatic. This includes temporary foreign workers as well as others that you may employ.
- If they **become symptomatic following arrival** at their Canadian residence, they must be isolated from others and local public health should be contacted immediately for direction. Your local public health authority will provide advice for the individual as well as any close contacts. This obligation continues following the end of the mandatory self-isolation period.
- It is important that employees and employers monitor themselves for the development of any signs and symptoms of COVID-19 and contact local public health authorities should they develop symptoms.
- According to ESDC, employers are responsible for regularly monitoring the health of workers who are self-isolating, as well as any employee who becomes sick after the self-isolation period. In practice, it is suggested that the employer communicate with the worker on a daily basis (e.g. call, text, email, or in-person two metres away if no other option is available) during the self-isolation period and ask if he/she is experiencing any symptoms (see [www.canada.ca/coronavirus](http://www.canada.ca/coronavirus) for a list), and maintain a record of responses received.
- If a worker becomes symptomatic at any time, the employer must immediately arrange for the worker to be fully isolated from others, and contact local public health officials. It is also suggested that the employer contact the appropriate consulate.
- Ensure to protect all personal information in such a manner as to protect personal privacy of employees
- If COVID-19 is suspected or diagnosed in a TFW or other staff, return to work should be determined in consultation with their employer, health care provider and the local public health unit.
- If the employee's illness is determined to be work-related: In accordance with the [Occupational Health and Safety Act](#) and its regulations, an employer must provide a written notice within four days of being advised that a worker has an occupational illness, including an occupationally-acquired infection, or if a claim has been made to the Workplace Safety and Insurance Board (WSIB) by or on behalf of the worker with respect to an occupational illness, including an

occupational infection, to the Ministry of Labour; Joint health and safety committee (or health and safety representative); or Trade union, if any.

- Any instances of occupationally-acquired infection shall be reported to WSIB within 72 hours of receiving notification of said illness.
- For more information please contact the Ministry of Labour, Training and Skills Development:
- Employment Standards Information Centre: Toll-free: 1-800-531-5551 o Health and Safety Contact Centre: Toll-free: 1-877-202-000

### **Responding to a worker becoming sick after quarantine period.**

- **At any time, throughout the period of employment, you must ensure that:**
  - Private accommodations, that includes their own bedroom and bathroom, is provided to a worker who develops any signs of symptoms of COVID-19; and
  - You do not do anything to prevent the worker's compliance with a provincial/territorial law that regulates public health response to COVID-19
- If your employees are directly affected by the coronavirus (COVID-19) and they are no longer working, you must issue a Record of Employment (ROE).
- When the employee is sick or quarantined, use code D (Illness or injury) as the reason for separation (block 16). Do not add comments.
- If a worker becomes symptomatic at any time, the employer must immediately arrange for the worker to be fully isolated from others, and contact local public health officials. If this takes place during the initial self-isolation period, the worker will be paid (see Q7)
- If the worker becomes ill after the initial self-isolation period, they may be entitled to either paid or unpaid sick leave, depending on their employment contract and the relevant federal, provincial or territorial employment standards. This could include new provisions in several jurisdictions for job-protected leave because of the COVID-19 pandemic
- If a worker becomes symptomatic at any time, including after the self-isolation period, the employer must immediately arrange for the worker to be fully isolated from others, and contact local public health officials. Where applicable, employers should also contact the appropriate consular officials.
- The employer (and worker) must then follow the advice/direction of the local

public health authority, and facilitate the continued isolation of the worker for either a minimum of 14 days since the first onset of symptoms, or until the public health authority deems necessary.

- Employers are responsible for monitoring the health of employees and reporting to local health authorities anyone who becomes symptomatic. This includes temporary foreign workers as well as others that you may employ.
- If they **become symptomatic following arrival** at their Canadian residence, they must be isolated from others and local public health should be contacted immediately for direction. Your local public health authority will provide advice for the individual as well as any close contacts. This obligation continues following the end of the mandatory self-isolation period.
- It is important that employees and employers monitor themselves for the development of any signs and symptoms of COVID-19 and contact local public health authorities should they develop symptoms.
- TFWs should not attend work if symptoms develop and **isolate** within the housing accommodation. Refer to the [Guide for Caregiver, Household members, and Close Contacts](#) for addition information on public health precautions.
- Symptomatic individuals should be instructed to immediately isolate
- Client-contact surfaces (i.e., areas within 2 metres/6 feet of the person who has screened positive) should be disinfected as soon as possible.
- According to ESDC, employers are responsible for regularly monitoring the health of workers who are self-isolating, as well as any employee who becomes sick after the self- isolation period. In practice, it is suggested that the employer communicate with the worker on a daily basis (e.g. call, text, email, or in-person two metres away if no other option is available) during the self-isolation period and ask if he/she is experiencing any symptoms (see [www.canada.ca/coronavirus](http://www.canada.ca/coronavirus) for a list), and maintain a record of responses received.
- If a worker becomes symptomatic at any time, the employer must immediately arrange for the worker to be fully isolated from others, and contact local public health officials. It is also suggested that the employer contact the appropriate consulate.
- Ensure to protect all personal information in such a manner as to protect personal privacy of employees
- If COVID-19 is suspected or diagnosed in a TFW or other staff, return to work should be determined in consultation with their employer, health care provider

and the local public health unit.

- If the employee's illness is determined to be work-related: In accordance with the *Occupational Health and Safety Act* and its regulations, an employer must provide a written notice within four days of being advised that a worker has an occupational illness, including an occupationally-acquired infection, or if a claim has been made to the Workplace Safety and Insurance Board (WSIB) by or on behalf of the worker with respect to an occupational illness, including an occupational infection, to the Ministry of Labour; Joint health and safety committee (or health and safety representative); or Trade union, if any.
- Any instances of occupationally-acquired infection shall be reported to WSIB within 72 hours of receiving notification of said illness.
- For more information please contact the Ministry of Labour, Training and Skills Development:
- Employment Standards Information Centre: Toll-free: 1-800-531-5551 o Health and Safety Contact Centre: Toll-free: 1-877-202-000
- **How to support a sick worker recovering in quarantine\ How to support a sick worker requiring screening or health care support.**

**At any time, throughout the period of employment, you must ensure that:**

- Private accommodations, that includes their own bedroom and bathroom, is provided to a worker who develops any signs of symptoms of COVID-19; and
- You do not do anything to prevent the worker's compliance with a provincial/territorial law that regulates public health response to COVID-19.

### **Question 1:**

There was a recent announcement that the 3-month waiting period for OHIP coverage to begin has been removed. Does this also apply to TFWs coming into Ontario under the Federal Government's Temporary Foreign Worker Program?

### **Answer 1:**

As of March 19, 2020, the government has temporarily removed the waiting period requirement before OHIP coverage begins. The government removed the three-month waiting period for OHIP coverage in direct response to the COVID-19 situation and the ministry will seek approval for the three-month waiting period to be reinstated when it is advisable to do so.



This applies to all new/returning residents to Canada who are eligible for OHIP coverage upon their arrival to Ontario (including TFWs who meet all other criteria under law).

TFWs need to meet the OHIP eligibility requirements to be enrolled in the plan which include:

- hold a valid work permit or other document issued under the Immigration and Refugee Protection Act (IRPA) that permits the person to work in Canada;
- have a formal agreement in place to work full-time for an employer in Ontario
- be working under that agreement; and the work permit or other document or agreement must be for no less than six consecutive months.

### **Question 2:**

How do new TFWs obtain an OHIP card through service Ontario?

### **Answer 2:**

A TFW must hold a valid work permit or other document issued under the *Immigration and Refugee Protection Act* (IRPA) that permits the person to work in Canada. The person must also have a formal agreement in place to work full-time for an employer in Ontario and the agreement must be for no less than six consecutive months.

- At this time, and until there is approval for the reinstatement of the three-month waiting period, there is no waiting period for anyone, including new TFWs in Ontario
- Currently, TFWs must apply in person with required documents to support they are entitled to OHIP. Information about document requirements can be found at the following website: <https://www.ontario.ca/page/apply-ohip-and-get-health-card>.
- Service Ontario completes OHIP registrations on behalf of the Ministry of Health. Some Service Ontario centres remain open to the public.
- Even if there is a registration delay, OHIP coverage will be backdated accordingly. Please note that the ministry has provided temporary funding for medically necessary physician and hospital services for all uninsured people in Ontario, including those who are currently unable to apply for a health care, who do not have an OHIP card.

### **Question 3:**

COVID-19 screening centres are not asking for OHIP cards but to access the laboratory results an OHIP number is required, will this be waived?

**Answer 3:**

An individual who does not have an OHIP number cannot access their laboratory results online at this time. There are alternate paths for all users to access their results if they are unable to use the COVID-19 application. Please speak to staff at the testing centre to confirm how to receive test results.

**Question 4:**

Do employers of TFWs still need private insurance to bridge any gaps?

**Answer 4:**

The government has removed the three-month waiting period for OHIP coverage in direct response to the COVID-19 situation and expects to seek approval to have the waiting period reinstated when it is advisable to do so.

TFWs must meet all other requirements under law to be considered eligible for OHIP (see answer to Question 1 above).

Please see the following link to identify what OHIP covers:

<https://www.ontario.ca/page/what-ohip-covers>. The Ministry of Health cannot comment on what additional insurance these individuals may require while in Ontario.

**Transporting sick worker to local health care.**

- The TFW sector proposal indicates adequate transportation methods to farms and food businesses. Transportation will be arranged by farms and food businesses that would ensure TFWs remain isolated from the general population while in transit to their housing and worksites. No public transit is required.
- Employers have identified means through which they can prevent exposure to existing workers and/or business operators.

**Seeking additional support**

- Please access these resources to help answer any questions you may have if you are concerned about your or your employees' ability to adhere to these public health requirements. We cannot stress enough the importance of your role in helping to prevent the introduction and spread of COVID-19.

- We understand the vital role that your business plays in supporting the economy and bringing food to the tables of Canadians, and recognize that these are challenging economic times. We invite you to consult the resources and programs the Government has made available for businesses affected by COVID-19.