

APRIL 21, 2021

Construction

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Council  
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# Safety Bulletin



**O**n April 16, 2021 the provincial government announced further restrictions to minimize the transmission of COVID-19, given the alarming increase in new cases over the past two weeks among Ontario's general population. The new measures have a direct impact on certain segments of the construction industry as part of an extended stay-at-home order, which will be in place until at least **May 20, 2021**.

The number of new cases, especially in Toronto, Peel and York, has increased dramatically. While we firmly believe that the construction sector offers an essential service and has demonstrated an ability to work safely given the stringent workplace protocols that have been established since the beginning of the COVID-19 pandemic, we must also recognize the serious nature of the current situation and respect the government's decision.

Since the beginning of the COVID-19 pandemic, construction site outbreaks have usually been modest in comparison to those that have occurred in factories, warehouses and other workplace settings which require thousands of employees to work in close proximity. Looking at the numbers, the Workplace Safety and Insurance Board (WSIB) has received

20,500 COVID-19 related workplace claims, with only about 600 being from construction-related fields. All things being equal, the construction sector has fared fairly well during the COVID-19 pandemic. At the same time, we want to avoid projecting a false sense of security by letting our guard down.

We are fearful that if the COVID-19 case counts continue to rise dramatically, with some projections estimating as many as 10,000 cases per day or more, the pressure will mount on government to take even more draconian measures and this may eventually result in the entire construction industry being shutdown.



To avoid a complete industry shutdown and the devastating economic and social distress it would cause, we must adhere to an enforceable zero tolerance policy when it comes to workplaces not enforcing masks, not practicing physical distancing, and not practicing all other safety and hygiene protocols. A zero tolerance policy requires all parties to comply with the Occupational Health and Safety Act (OHSA). Specifically:

### **Employers must comply with Sec. 25(2) and O. Reg. 213/91 HYGIENE**

- Take all reasonable precautions for the protection of workers. This includes taking appropriate measures to protect susceptible or disabled workers.
- Provide information, instruction, and supervision for the protection of workers.
- Ensure that all supervisors have a working knowledge of the Act and regulations as well as any actual or potential hazards in the workplace.

### **Supervisors complying with Sec. 27**

- Ensure that workers comply with the Act and regulations.
- Ensure that workers wear or use required protective equipment, and follow all required measures and procedures.
- The supervisor is responsible to ensure that workers follow all safety procedures. It is not enough to warn workers about dangers or safety rules, and then turn a blind eye to violations. They must tell workers about the hazards and ensure that they follow the safety procedures.

## Workers complying with Sec. 28.

- Workers must work in compliance with the Act and regulations.
- Workers must follow all required procedures and wear or use all required protective equipment.
- Workers must report all violations of the Act and regulations and hazards to the supervisor or employer.
- Workers must not work in a manner or use defective equipment that might endanger the worker and others. In this instance, a worker has a legal obligation to refuse work.

**In addition, the workplace parties need to ensure that they maintain a healthy work environment. This means implementing measures to physically separate and increase distance between employees, including the following:**

- Modify work schedules to stagger work, provide alternating workdays or extra shifts to reduce the total number of workers on a job site at any given time.
- Restrict access to reduce the number of workers in enclosed and confined areas at one time.
- Confined and enclosed areas (e.g., trailers, small rooms in buildings under construction) should be identified and access should be restricted to essential personnel only.
- Enclosed spaces (e.g., toilets, break areas) are potential transmission areas and should be treated accordingly. Time spent in these areas should be minimized.
- Rearrange administrative area workstations so that workers **can stay at least 6 feet away from other workers.**
- Install shields or barriers, such as plexiglass barriers, where possible.
- Remove or rearrange chairs and tables or add visual cue marks in break areas to support social distancing practices between workers. Identify alternative areas to accommodate overflow volume.
- Disinfect break or lunchroom areas between each group using the areas.
- Maintain social distancing when visiting lunch trucks or construction site vendors.
- Limit casual (social) conversations that normally occur at work and during smoke breaks. **During smoke breaks workers should always maintain a safe distance of at minimum 6 feet apart.**
- **Workers and everyone on site should always be required to wear “masks or face coverings.”**
- **Workplaces and Unions should discourage carpooling.**

## Additional Measures for Toilet Facilities

- Poor sanitation is a major cause of disease and can be a serious occupational health risk.
- It is the responsibility of employers, owners, builders, constructors, suppliers of equipment, and supervisors to ensure that all workplace parties comply with the provisions of the OHS Act and the regulations in order to protect workers from hazards in the workplace including the protection of workers from infectious diseases due to inadequate sanitation on construction projects.
- Wherever reasonably possible, **water flush toilets that are connected to a sanitary sewer should be provided on worksites.**
- The condition of toilets on worksites must be regularly monitored to ensure they are maintained to a high sanitary standard
- Soap/paper towel dispensers, hand dryers and hand sanitizing stations on site must be checked frequently and replenished as needed.

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If all the workplace parties do not follow the legislative requirements and become less vigilant when it comes to workplace health and safety practices, the construction industry runs the risk of being completely shut down. We strongly suggest no Carpooling. If Carpooling is necessary, you should wear a mask during the commute.

A six week shutdown for construction workers would mean a loss of \$12,000 to \$15,000 in income per worker. Is it worth it to lose substantial earnings as a result of not wearing a mask or following appropriate physical distancing and other safety protocols? Is it worth carpooling to save a few hundred dollars at the risk of losing thousands of dollars in lost wages?

Similarly, with respect to employers, is it worth risking a complete shutdown by not following legislative requirements or safety protocols? A complete shutdown for employers means a loss of thousands, if not millions of dollars and additional contract penalties for missed project deadlines as well as potentially irreversible reputational damage.

The increase in overall case numbers in the last two weeks is proof that the risk of exposure is higher in everyday work situations and that our margin of error in the construction industry is lower. The COVID-19 variants are more transmissible and potentially more deadly than what Ontario experienced in previous waves, increasing the risk of having infected people spreading the virus more quickly.

It is imperative that all of us work together to avoid a complete industry shutdown. We are urging all construction unions to continue to advise members to follow appropriate protocols while at work and to always wear appropriate facial protection and adhere to physical distancing. This also means refraining from carpooling to avoid increased spread. Equally, employer partners need to follow their respective obligations under OHSA and ensure that supervisors adequately communicate and enforce appropriate safety protocols.

The next few weeks are critically important to contain the spread of COVID-19 in order to avoid an economic meltdown. Flattening the curve of the virus will require more workplace vigilance, enforcement, surveillance testing and uptakes in vaccine distribution. The construction industry is integral to meeting the infrastructure needs of all Ontarians. Let's work together to keep the industry open by making sure that construction workers are safe.

