



Returning to Work Safely

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Jurisdiction

- Band/Nation administration is always federally regulated
- Other components including health care, education, development corporations, etc. may be federally or provincially regulated



Jurisdiction

- For the federally regulated entities, the following legislation applies in relation to returning to work place safety:
 - Canada Labour Code (CLC), Part II
 - Canada Occupational Health and Safety Regulations
 - Work Place Harassment and Violence Prevention Regulations
 - Policy Committees, Work Place Committees and Health and Safety Representatives Regulations



CLC, Part II – Duties of Employers

SECTION 124

“Every employer shall ensure that the health and safety at work of every person employed by the employer is protected.”



Hazard Prevention Program, Part 19 COHSR

This general program is to be used to address all types of hazards in the workplace.

- required for COVID19 and reopening of worksites

“Workplace” is any place where an employee is engaged in work for the employer.



Hazard Prevention Program Components

- Implementation plan
- Hazard identification and assessment methodology
- Hazard identification and assessment
- Preventive measures
- Employee training
- Program evaluation



COVID 19 Requirements

- Complete a hazard assessment related to COVID19 in the workplace
- Determine which preventive measures will be implemented to address the risks and hazards identified in your assessment.
- Train employees on the hazards and preventive measures being implemented.



COVID 19 – Preventive Measures

- Preventive measures must be selected in the following order
 - Elimination of the hazard
 - Reduction of the hazard
 - Personal Protective Equipment (PPE)
 - Administrative procedures



COVID 19 – Health Authorities

- Public Health Agency of Canada (PHAC)
- Provincial Health Authority
- When you are a federal work place the recommendations of both of these agencies must be taken into consideration when developing protocol



COVID 19 – Reporting requirements

- The Canada Labour Code, Part II requires the employer to investigate, or to appoint a qualified person to do so on their behalf, all hazardous occurrences and to notify the Work Place Health and Safety Committee or Representative.



COVID 19 – Reporting Scenario 1

An employee working in the course of employment, tests positive for COVID-19, but has not been in the workplace nor been in contact with other employees

1. The employer is required to conduct a hazardous occurrence investigation to determine if the exposure can be traced back to occurring in the course of employment
2. An HOIR is to be submitted if the exposure can be traced back to occurring in the course of employment.



COVID 19 – Reporting Scenario 2

Employee A, working in the workplace, tests positive for COVID-19 and employee B and employee C were both in recent contact with A in the workplace and both test positive for COVID-19.



COVID 19 – Reporting Scenario 2

1. HOIRs are to be submitted for employees A, B and C and every affected employee in the workplace. At this point, it is irrelevant where the source of exposure is for employee A as they have been become the source of transmission at the workplace.

2. In addition, as 2 or more employees have tested positive for COVID-19 and it can be traced back to the workplace, the employer shall notify the Labour Program within 24 hours after becoming aware of the incident.



COVID 19 – Vaccinations

<https://www.canada.ca/en/employment-social-development/news/2021/05/joint-statement-minister-of-labourfetcoclc.html>



Guidance Material

- Hazard Prevention Program Guide – published by ESDC Labour Program
- COVID19 Safety Plan Guide – published by WorkSafe BC



Sources of Information

www.labour.gc.ca

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