

CALEDON PARENT - CHILD CENTRE

COVID-19 Response to Positive Case in the Workplace Procedure

Policy Number:		Prepared By:	Lisa Chin
Effective Date:		Revision Date:	

PURPOSE

The Caledon Parent-Child Centre (CPCC) is committed to promoting a healthy and safe work experience for all of our employees, volunteers, placement students/youth (henceforth referred to as 'staff') as well as clients, partners and visitors. This includes providing a process for CPCC to respond appropriately upon receiving notification that a staff member has tested positive for COVID-19 in order to promote the safety of everyone in the workplace.

The Caledon Parent-Child Centre will follow the recommendations of local Public Health Authorities and adhere to the Occupational Health and Safety Act (OHSA), the Personal Health Information Protection Act (PHIPA) and the Ontario Human Rights Code (OHRC) when responding to notification that a worker who has been present in the workplace has tested positive for COVID-19.

PROCEDURES

- 1) Upon receiving notification that a staff has tested positive for COVID-19 the staff member's manager is to undertake the following steps:
 - Remain calm;
 - Express empathy and let the staff share their feelings about the situation. They will likely be anxious about what may happen and may also be worried about whether they have infected family members/friends, etc. Provide reassurance to the staff they have CPCC's support;
 - Ask the staff what day they were tested and what day they were notified about the positive result, and record this in writing;
 - Advise the staff member to self-isolate at home for 14 days (or any other length of time that may be recommended by public health authorities), if they have not already been advised to do so by their healthcare provider or public health;
 - Let the staff member know you will be notifying the Program Manager so they can provide the staff member with any needed information or assistance about accessing relevant benefits as well as notify Peel Public Health; **MAKE EMPLOYEE AWARE OF INFECTIOUS DISEASE EMERGENCY LEAVE (See Appendix A)**
 - Confirm, either with the staff over the phone, or by consulting the appropriate calendar or service schedule to determine which staff, clients, partners and/or visitors the staff would have had contact with during the 2 weeks leading up to either the onset of symptoms or the testing date (if the staff was asymptomatic);
 - Notify the Executive Director and provide the following information:
 - Name of the infected staff member;
 - Date the staff member was tested;

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- Date they received notification of the positive test result;
- Dates, times and locations the individual worked during their infectious period (work back 14 days prior to the onset of symptoms or the date they were tested if they were asymptomatic);
- Names of other staff who were on duty at the same time as the infected staff member;
- The Program Manager contacts Peel Public Health to report the above information so that Peel Public Health can proceed with contact tracing protocols;
- The Program Manager will also seek advice from Peel Public Health regarding:
 - Closure and deep cleaning requirements for the work site where the infected worker was on duty;
 - Information to relay to co-workers and close contacts of the infected person;
- The Program Manager will relay closure and cleaning instructions from Peel Public Health to the staff at the work location where the infected staff member was on duty;
- The Program Manager/Executive Director will make arrangements to close down the relevant site and initiate deep cleaning/disinfecting;
- The Program Manager will prepare communication to go out to all staff to advise them of the following:
 - A staff member at the CPCC (specify site/location/program) has tested positive for COVID-19
 - Do NOT share the name/identity of the staff member; it is not necessary for the purpose of this communication and would be a violation of PHIPA (Personal Health Information Protection Act) and of the agency's Privacy and Confidentiality policies;
 - Dates and times/shifts that the staff was present at the worksite;
 - Relaying information provided by Peel Public Health containing instructions for those staff who had close contact with the infected person or were on duty at the same time;
 - Peel Public Health will contact anyone who was identified as a close contact with further instructions;
- The Manager Community Relations and Volunteers prepares external communication to go out to members of the public/ other service users, in collaboration with the (see template for this communication).

2) Should a Staff become symptomatic at work they should immediately:

- Inform their manager/supervisor and if applicable Employee Health/Occupational Health;

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- Immediately self-isolate;
 - Contact Telehealth, local Public Health or primary care provider and follow advice
 - Staff should raise any concerns to their:
 - Manager or Supervisor
 - Joint Health and Safety Committee (JHSC); or
 - Health and Safety Representative (HSR)
 - Employers must report within 4 days of becoming aware that a worker may have contracted COVID-19 at work to:
 - The Ministry of Labour, Training and Skills Development
 - The JHSC/HSR
 - Staff member and CPCC should complete a WSIB COVID exposure incident report (See https://www.wsib.ca/sites/default/files/documents/2018-12/3958a_07_16_fs.pdf and <https://www.wsib.ca/en/faqs-about-claims-and-covid-19>);
 - Determine the need to inform other employees while respecting the staff member's privacy in consultant with Occupational Health and Public Health.
- 3) A staff person displaying the symptoms of COVID-19 will require testing before they can return to work. A staff must:
- a. Test **NEGATIVE** for COVID-19 **AND** 2) remain symptom-free for at least 24 hours, before they can return to the CPCC. **Note:** Individuals who have tested positive for COVID-19 require direction from Peel Public Health on when they can return to work or released from self-isolation.
 - b. If the staff has had close contact with a confirmed COVID-19 case or symptomatic person(s) they will need to self-isolate for 14 days from the last time they had close contact with the confirmed or suspected case.
 - c. The staff person **must** provide proof (a copy or screenshot) of the COVID-19 test result to the CPCC designated lead staff to verify the negative result.

REVISIONS

CPCC reserves the right, within the parameters of applicable Ontario Health and Safety Legislation employment/labour standards legislation, to amend policies from time to time.

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APPENDIX A

Infectious Disease Emergency Leave

Overview

Employees have the right to take unpaid, job-protected infectious disease emergency leave if they are not performing the duties of their position because of specified reasons related to a designated infectious disease. This leave is available to all employees who are covered by the *Employment Standards Act*.

Employers cannot threaten, fire or penalize an employee in any other way because the employee took or plans on taking an infectious disease emergency leave.

The only disease for which infectious disease emergency leave may be taken at this time is COVID-19. Although the *Employment Standards Act* was amended to include infectious disease emergency leave on March 19, 2020, **the leave entitlements for COVID-19 are retroactive to January 25, 2020.**

Reasons an employee may take infectious disease emergency leave

Employees can take infectious disease emergency leave if they will not be performing the duties of their position because of any of the following reasons:

1. The employee is under individual medical investigation, supervision or treatment related to a designated infectious disease. The medical investigation, supervision or treatment can be in Ontario or in another province, territory or country
2. The employee is following a COVID-19 related order issued under section 22 or 35 of the [Health Promotion and Protection Act](#).
3. The employee is in quarantine, isolation (voluntary or involuntary), or is subject to a control measure, and the quarantine, isolation or control measure was implemented as a result of information or directions related to a designated infectious disease that was issued by:

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- a. a public health official. This means a public health official of the Government of Canada or any of the following people within the meaning of the Ontario *Health Protection and Promotion Act*:
 - the Chief Medical Officer of Health or Associate Chief Medical Officer of Health
 - a medical officer of health or an associate medical officer of health
 - an employee of a board of health
- b. someone who is qualified to practice as a physician or a nurse either in Ontario or in the jurisdiction where the employee is located (for example, another province, territory or another country) **and** who has provided care or treatment to the employee, whether or not the care or treatment was related to the designated infectious disease (such as an employee who has an immune deficiency was told by his physician to self-isolate and not go to work during the infectious disease outbreak)
- c. Telehealth Ontario
- d. the Government of Ontario or Canada
- e. a municipal council in Ontario
- f. a board of health

The information or direction may be issued:

- g. to the public (in whole or in part)
 - h. to one or more people, and
 - i. through any means, including print, electronic or broadcast (for example, television or radio)
4. The employee is under a direction given by his or her employer in response to the employer's concern that the employee might expose other individuals in the workplace to a designated infectious disease.

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For example, this would include the employer directing the employee to stay at home for a period of time if the employee has recently travelled internationally and the employer is concerned the employee may expose others in the workplace to a designated infectious disease.

5. The employee is providing care or support to any of these individuals because of a matter related to a designated infectious disease:
 - a. the employee's spouse (of the same or opposite sex, whether or not married)
 - b. a parent, step-parent or foster parent of the employee or the employee's spouse
 - c. a child, step-child or foster child of the employee or the employee's spouse
 - d. a child who is under legal guardianship of the employee or the employee's spouse
 - e. a brother, step-brother, sister or step-sister of the employee
 - f. a grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse
 - g. a brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee
 - h. a son-in-law or daughter-in-law of the employee or the employee's spouse
 - i. an uncle or aunt of the employee or the employee's spouse
 - j. a nephew or niece of the employee or the employee's spouse
 - k. the spouse of the employee's grandchild, uncle, aunt, nephew or niece
 - l. a person who considers the employee to be like a family member, provided the prescribed conditions, if any, are met (currently there are no prescribed conditions)
 - m. any individual prescribed as a family member for the purposes of this section (currently, there are no additional prescribed family members)

This includes an employee taking leave to care for their child whose school or day care was closed because of a designated infectious disease (in this case, COVID-19).

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Examples include:

- n. an employee who is providing care to an aunt who is sick with COVID-19
- o. a babysitter who is in quarantine or isolation because of a designated infectious disease, or is sick because of it
- p. a summer camp that the employee's child was scheduled to attend closed down to help prevent the spread of a designated infectious disease
- q. an employee's 10-year-old brother, who was visiting the employee from another city without his parents, was unable to return home because of travel restrictions imposed to prevent the spread of a designated infectious disease

The employee can be providing the care or support in Ontario or in another province, territory or country.

- 6. The employee is directly affected by travel restrictions related to a designated infectious disease and, under the circumstances, cannot be reasonably expected to travel back to Ontario.

For example, this would include an employee who is on a cruise ship that is not permitted to dock in any country because of the concern that passengers are infected by a designated infectious disease.

There may be some situations where an employee is affected by travel restrictions (for example where there are no international commercial airline flights available) but the employee has other options available to travel back to Ontario. This condition will be met if it would not be reasonable to expect the employee to use alternative options.

What is reasonable will depend on the circumstances. For example, an employee was vacationing in Mexico City when Canada banned all flights from Mexico for two weeks. The employee could rent a car or take a series of buses and trains to return to Ontario but that would not be a reasonable expectation in the circumstances.

This provision applies only where the employee is **directly** affected by the travel restrictions. In other words, it applies only where the **employees** travel back to Ontario is affected.

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This provision applies only when the employee is caught by travel restrictions while **outside** of Ontario.

Rights during leave

Employees who take infectious disease emergency leave are generally entitled to the same rights as employees who take pregnancy or parental leave. For example, employers cannot threaten, fire or penalize in any way an employee who takes or plans on taking an infectious disease emergency leave.

Length of infectious disease emergency leave

There is no specified limit to the number of days an employee can be on infectious disease emergency leave.

Employees have the right to be away from work on infectious disease emergency leave only for as long as the event that triggered the entitlement to the leave lasts. After the triggering event is over, the employee's normal obligations to be at work resume.

When the disease for which the employee was on leave stops being a designated infectious disease, the employee's right to the leave also ends. The list of designated infectious diseases is set out in [O. Reg. 66/20](#) under the [Employment Standards Act, 2000](#) (ESA).

Infectious disease emergency leave absences do not have to be taken consecutively. Employees can take the leave in part days, full days or periods of more than one day.

When an employee takes a part day of infectious disease emergency leave (for example, to deliver urgently needed medication to a brother who is in isolation because of COVID-19), the employer must allow the employee to return to work for the remainder of the employee's shift. The employee is entitled to be paid the earnings for the portion of the shift that the employee works.

Notice of leave

An employee must generally advise the employer that he or she will be taking an infectious disease emergency leave before starting the leave.

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If advance notice cannot be provided, the employee must inform the employer as soon as possible after starting the leave.

Notice can be given in writing or orally.

While an employee is required to tell the employer in advance before starting a leave (or, if this is not feasible, as soon as possible after starting the leave), the employee will not lose the right to take the leave if the employee fails to do so.

Proof of entitlement

An employer may require an employee to provide evidence reasonable in the circumstances at a time that is reasonable in the circumstances that the employee is eligible for infectious disease emergency leave but **employers cannot require an employee to provide a certificate from a physician or nurse as evidence**. Employers are not prohibited under the ESA from requiring medical notes in the context of issues such as return-to-work situations or for accommodation purposes.

What is considered reasonable in the circumstances will depend on all the facts of the situation, such as:

- the duration of the leave
- whether there is a pattern of absences
- whether any evidence is available and the cost of the evidence

If it is reasonable in the circumstances, evidence may take many forms, such as a:

- travel documentation showing that the employee had travelled to a country for which quarantine or isolation is being advised
- a copy of the information issued to the public by a public health official advising of quarantine or isolation (for example, a print out, screen shot or recording of the information)
- a copy of an order to isolate that was issued to the employee under s. 22 or s. 35 of the [Health Protection and Promotion Act](#)

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- a note from an employee's day care provider indicating that the childcare centre was closed because of a designated infectious disease

Employers can only require the evidence at a time that is reasonable in the circumstances. What is considered reasonable in the circumstances will depend on all of the facts of the situation.

For example, if an employee is in isolation or in quarantine, it will not be reasonable to require an employee to provide the evidence during the quarantine or isolation period, if the employee would have to leave home to obtain the evidence.

However, if the employee has electronic evidence that can be sent from home, it may be reasonable to require the employee to send it during the isolation or quarantine period.

Employment insurance benefits and other federal supports

Employees who take infectious disease emergency leave may be entitled to employment insurance benefits or to other federal government financial supports.

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Sample memo notifying employees and/or the public of a positive case in the workplace:

An Important Update

The COVID-19 situation is evolving. Today we were notified that one of our staff has been confirmed to have the COVID-19 virus. The employee last worked on <<INSERT DATE AND SITE LOCATION>>.

At this time, the employee is resting at home in self-isolation <<INSERT DESCRIPTION OF HOW THEY ARE DOING>>.

We're taking all necessary precautions. We have closed our <<INSERT DESCRIPTION OF BUSINESS TYPE>> to undertake a 1-day deep clean as recommended by Peel Public Health

We will continue to be honest with you, our employees, customers and community. Every effort will be taken. We are working closely with Peel Public Health to assist them with their investigation. They have stated

<<INSERT PEEL PUBLIC HEALTH RISK LANGUAGE HERE – TO BE PROVIDED BY PUBLIC HEALTH >>.

We do know that COVID-19 is now in our community though, so again we encourage everyone to take precautions and wash your hands and practice physical distancing when you do have to go out.

We're here for you during these difficult times.

<<INSERT DESCRIPTION OF BUSINESS TYPE>> HOURS HAVE BEEN IMPACTED<<list them>>

Thank you,

Director or CEO

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