

## **Webinar #2 – Your Rights Under the Act – COVID-19 Pandemic**

1. ***I believe I got COVID-19 at work. My employer is forcing me to take sick leave. There have been confirmed cases at work. Should I be retroactively filling out a WSIB form?***

If you believe that you may have been exposed to the coronavirus while performing your work duties, you should complete a WSIB Worker's Exposure Incident Form (form 3958A). Additionally, you should contact your Local, Component and TBS has advised that these absences will be coded at 699.

The Worker's Exposure Incident Form is available on the WSIB's website:

[https://www.wsib.ca/sites/default/files/documents/2018-12/3958a\\_07\\_16\\_fs.pdf](https://www.wsib.ca/sites/default/files/documents/2018-12/3958a_07_16_fs.pdf)

2. ***If a worker gets COVID while working do they fill out a Lab 1070 or WSIB application?***

Both

3. ***Are the members on the Policy Committee usually Regional or National Representatives depending on the Component Structure - how do we know whether or not the policy committee is being consulted?***

You should contact your component

4. ***As a follow-up to the teleworking question (ergo), what would recommend as recourse when the employer resists providing ergo equipment? If we don't have the right to refuse, what can we do?***

If the ergonomic equipment is provided as part of an already established Accommodation, then you should remind the employer of this. Also remind the employer that under the Human Rights Act - Duty To Accommodate the employer has an absolute duty to accommodate up

to but not including undue hardship. Additionally, section 125 (1) (u) speaks to ergonomics. In Ontario's Occupational Health and Safety Act, Section 25 2(h) of the Occupational Health and Safety Act (OHSA) that contains a general duty for an employer to take reasonable precautions in the circumstances to prevent injuries and illnesses.

5. ***As a WHSC Co-chairs working from home and the employees who are working in the office are not part of the WHSC, how are monthly inspections completed?***

As the Union Co-Chair (representing the local union) you can appoint someone to represent the union on a temporary basis. Inspections should continue during this pandemic.

6. ***Can a federal workplace w/3 positive cases of COVID-19 be considered safe?***

Before we are able to answer this question, we would require more information. You will need to contact your component and or Regional Office.

7. ***Can the slide presentation be shared? Especially the flow chart for an employee's right to refuse steps***

Yes

8. ***Employees have the following three basic rights:***

Right to participate in the workplace health and safety activities through the Health and Safety Committee (HSC) or as a worker health and safety representative. Right to know, or the right to be informed about, actual and potential dangers in the workplace. Consultation happens at all levels, depending on your Component Structure. You also find the same provisions in the Ontario Health and Safety Act

**9. Does the employer provide training to members of the respective joint health and safety committees on how to conduct a proper investigation, are the details of what constitutes a proper investigation in the regulations RE: Canada Labour Code**

Members should be adequately trained in health and safety in order for them to contribute fully to all committee activities. In some jurisdictions, safety training or certification is required by law for employer and worker members. Canada Labour Code Part II Section 125 (z.01)

**10. Does the union have a position on whether masks should be provided for employees in the workplace?**

I don't believe that PSAC has any specific policy on Face Masks, however PSAC believes that members are entitled to have affective appropriate PPE so that they are able to preform their duties without risk, to themselves or their families. An HPP should be done prior to PPE being given and risk elimination and administrative controls should happen before PPE.

**11. Field officers are currently not going out due to the office being closed and the job being non-critical. Once things go back to normal what precautions should be put in place for field officers?**

Your health and safety committee should be discussing the transition back into the workplace and precautions that need to happen. You should also reach out to the Policy committee to see if they have established a protocol. HPP (Hazards Prevention Program) should also be performed.

**12. For telework from home can the employer provide a laptop if an employee doesn't feel comfortable using home computer.**

Contact Local or Component

- 13. In recent events with ESDC front end office and Covid19, component pressed employer for safe work environment and some sites invoked the right to refuse. Service Canada offices were closed. If some offices had issued refusal of unsafe work, then all offices were closed, will an investigation and decision still happen?**

Speculation we cannot guess what the Labour Program would rule on.

- 14. Hi if a term employee's contract is ending in say few months, but they are on leave due to COVID-what job security or possible chance of extension is there for an employee?**

This is not a health and safety question.

- 15. How can I ask a question...? for federal public servants though, it would only be the federal legislation that applies, right?**

That is Right the Canada Labour Code Part 11

- 16. How do we in front counter offices get the employer to update our counters and work areas to protect us in this type of situation IE: plexiglass and deeper counters so people are further distance away?**

You can go to the legislation section 125 employer's responsibilities for support additionally this can also be done through the work place committee and HPP

- 17. How is Refusal to work impacted if employee is deemed to be in a critical or essential position?**

This is a question of "normal condition of employment" for ESDC. Unless the member is police officer, firefighter, paramedic, nurse, doctor etc the normal condition of employment would not apply. Regardless ALL employees have the right to refuse, it just may not be held up in the end.

**18. *I assume that all pieces of legislation (provincial, federal) apply to Federal Employees?***

Federal workers are covered under the Canada Labour Code and the provincial are covered under the Ontario Occupational Health and Safety Act

**19. *I tried to get my H\S committee to meet before we were sent to WFH. None of the procedures were followed and now that I am WFH how do I get the local H&S connected?***

You can ask for assistance for your component and/or go to section 135 of the Health and Safety act Committees should still be meeting. It is even more important that they meet during the pandemic. Under Section 135.1 the committees still have to meet a MINIMUM of 9 times during the year, no exception.

**20. *If all staff are working remotely, is the OHS committee required to perform monthly inspections during the pandemic?***

You would not be required to inspect any locations that are closed due to H&S issues; however, I would recommend prior to going into the workplace that an inspection be done. Included in this inspection I would ask what cleaning the employer had done of the workplace.

**21. *If someone has been assigned to work from home but their living situation poses a risk in terms of roommates not self-distancing - can the employer order an employee to return to the city where their office is in if they decide to relocate to a location that they deem is in line with WHO recommendations on social distancing***

Address this with the local or component

- 22. *If staff can't refuse work while not in the workplace, can staff ever refuse to attend a worksite if they believe it is unsafe? For instance, teleworkers being told they have to attend the office at this time.***

The right to refuse only comes into play once you have arrived at the respective workplace. Or while you are doing work on behalf of the employer at home.

- 23. *Is it the local H&S committee that creates policies or is it the policy committee that should be working on creating policies?***

The Policy committee does it globally for issues that relate to all the departments nationally such as a pandemic policy and the Violence policy the local committee adapts them to the workplace.

- 24. *Pandemic planning should be in place in the workplace. Given that Covid19 was in the news early on, should the employer have shared the plan with the Health and Safety committee if not the entire***

Yes and should have been created with the participation of and consultation of the Committees as per Part 19.

- 25. *Should we be being asked to clean the office area on our own multiple times a day or should the employer be supplying the cleaning. Our daily cleaning does not completely clean our office. There is not daily vacuum or disinfecting of counters.***

Your health and safety committee should be discussing this and decide based on what is best for your workplace. Additionally, Section 9.3 of the Canada Labour Code states that all janitorial work that may cause dusty or unsanitary conditions shall be carried out in a manner that will prevent the contamination of the air by dust or other substances injurious to health – HHP

26. ***Should we be doing incident reports for Covid 19. The Union /PSAC suggests we should be doing this to keep track and ensure the employee is following proper safety protocol via Labour Code and public health. Obviously, we would be protecting individual privacy! Can you comment!***

Yes - See Part 15 for LAB 1070 requirements.

27. ***The employer has a responsibility to be sharing information regarding members that have tested positive for COVID19. However, in a large office worksite like 4900 Yonge Street, housing many departments... is there any way to find out if other members have tested positive for COVID that are not belonging to my component?***

Cross component you might have to check with the ministry of health or Toronto public health.

28. ***The Presenter on CLC Part II said to get in touch with PSAC when a member is enacting on their right to refuse. Did we hear that correctly?***

You should advise your component and/or the PSAC. You can also contact either one for assistance or information.

29. ***Two government building have had employees with COVID-19 in the last few weeks. One was closed for 14 days and the other remained open. Why?***

This is a hard question to answer without having all the facts. Additionally, the question should be directed to the persons who made the decision – the employer.

**30. *What if employer cannot (or will not) supply facemasks or respirators?***

This issue can be deal with through the joint health and safety committees. Canada Labour Code section 125, states that the employer is responsible for providing every person granted access to the workplace by the employer with prescribed safety materials, equipment, devices and clothing. Additional refer them to section 122 hierarchy of prevention and HPP

**31. *What is the Components Role with the Right to Refuse process? (for those of us who belong to a component).***

Locals will handle the Refusal but if you need assistance you should contact the Component and/or. PSAC support and guide

**32. *What is the difference between critical and designated again?***

Critical service is defined as one that, if disrupted, would “result in a high or very high degree of injury to the health, safety, security or economic well-being of Canadians, or to the effective functioning of the Government of Canada.”

**33. *While employees are working from home (teleworking), are they protected under provincial and /or federal legislations for workplace health and safety?***

Yes as per the applicable legislation & WSIB