

The Manitoba government has issued an order allowing the re-opening of Manitoba businesses, which follow the previous orders made to close “non-essential” business in light of COVID-19. In light of this re-opening, businesses are encouraged to take steps to reduce the risk of transmission of COVID-19 among customers and employees. There are various orders issued by the Government of Manitoba which outline requirements business owners must follow to re-open. These orders outline requirements business owners must take relating to members of the public attending a business. In addition to regulating members of the public attending a business, business owners (who have employees) must also comply with provincial health and safety legislation and keep their employees safe at work.

Keeping Your Employees Safe

Employers are legally required to keep their employees safe at work. To satisfy this requirement, business owners should:

1. Ensure Employees and Customers are Informed

Laws and guidance from the respective authorities inform how you should respond to the COVID-19 pandemic as a business owner. You should stay informed of the latest COVID-19 updates and guidance from federal and provincial authorities, and inform your employees and customers accordingly. This could mean that you:

- Encourage employees to remain informed
- Communicate the requirements that employees use the appropriate self-screening tool prior to coming into the workplace
- Post on the entrance to the workplace the business’ screening-requirements
- Advise employees that they must stay home if they are experiencing symptoms of COVID-19 (such as cough, fever, runny nose, sore throat, breathing difficulties)
- Communicate and reassure employees about public health investigations at the workplace
- Cooperate with public health officials during a public health investigation at the workplace
- Notify employees of
 - The steps you are taking to prevent the risk of transmission of infection,
 - The importance of their roles in these measures, and
 - Post this information in areas where employees can refer to them.

2. Practice Social Distancing

Social distancing decreases the risk of COVID-19 transmission. You should put measures in place to ensure that your employees and customers practice social distancing at the workplace. This could mean that you:

- Provide information to employees about social distancing
- Post signs indicating social distancing protocols
- Implement measures to ensure social distancing (for example, floor markings, limiting capacity, etc.)
- Maintain a single entrance and exit to the workplace and management strategies to avoid congestion in areas (for example, waiting outdoors in a line, waiting in a car, etc.)
- Actively discourage employees and customers to congregate
- Increase separation between employees’ workspaces
- Encourage cashless or no-contact payment

- Close public-use items (i.e. water fountains, coffee bars, etc.)
- Ensure separation between employees and customers (for example, install Plexiglas, use a form of physical barriers, etc.)

If a two-metre distance cannot be maintained between people in the workplace, the following measures should be implemented:

- Minimize these close contact interactions to be as brief as possible
- Use barriers (if applicable)
- Increase ventilation (if applicable)
- Increase cleaning and good hygiene
- Consider organizing employees into smaller working groups
- Consider using medical or non-medical masks
 - Workers with direct public access can use medical masks if available. If medical masks are not available, non-medical masks can be used.
 - Where there is no direct public access, the above measures should be utilized to reduce risk and the number of workers they are exposed to. Non-medical masks can be used by the worker.

3. Sanitize the Workplace and Encourage Good Hygiene

Regular cleaning and good hygiene decreases the risk of COVID-19 transmission. You should ensure that the workplace is cleaned appropriately, and that information and resources regarding good hygiene are provided to employees. This could mean you:

Encourage Good Hygiene

- Provide hand sanitizer for employee and customer use and the entrance, exit and throughout the workplace
- Inform employees to wash their hands for more than 15 seconds with soap and water at when they enter and exit the workplace, before and after they eat, and at various times throughout the day
- Inform employees to cover their mouth when they cough or sneeze, avoid touching their face, and avoid sharing personal items (such as cups, cigarettes, etc.) or supplies (such as laptops, phones, etc.)
- Provide tissues and garbage facilities for employee and customer use
- Ensure ventilation systems are working properly, and open windows as weather permits
- Post signage to advise employees and customers about good hygiene

Sanitize the Workplace

- Develop and implement a workplace cleaning routine, including frequent sanitization of washrooms
- Cleaning of workstations and worksites should be done at least twice per day
- Provide employees with cleaning supplies
- Sanitize shared surfaces, tools and equipment between uses
- Regularly sanitize shared surfaces and common touchpoints (i.e. door knobs, elevator buttons, etc.)

- Remove unnecessary high-touch surfaces or items (for example, magazines, newspapers, toys)
- Limit deliveries, or allow deliveries to sit unopened for a period of time

4. Personal Protective Equipment

Depending on your business' risk assessment by your occupational health and safety officer, the use of personal protective equipment (PPE) may or may not be required at your workplace. Most businesses will not require PPE. If your business does require employees to use PPE, you must provide PPE for employees and provide the appropriate occupational health and safety guidance. If your business does not require employees to use PPE, you could require your employees to wear medical masks, non-medical masks, gloves, or eye protection.

5. Have Policies and Plans in Place

Your business should have an infection prevention and control plan and ensure that the policies you have in place (for example, sick leave policies) are consistent with public health guidance. An infection prevention and control plan could include providing guidance and:

- Information on 'sick leave' (i.e. encourage employees not to come into work if they are feeling sick, medical note requirements, ensuring emergency contacts are updated, etc.)
- Facilities to ensure good hygiene (i.e. providing hand sanitizer, washing facilities, tissues, etc., as described above)
- Increased cleaning and sanitization of the workplace (i.e. cleaning of touch points, shared surfaces, etc., as described above)
- Modifications to the workplace that implement social distancing (i.e. relocating workspaces, video and telephone conferencing, working from home, cashless transactions, pick-up and delivery of product, stagger start times and shifts, minimize work group mingling, etc., as described above)
- Information on safe food and utility usage (if your workplace has lunchroom or kitchen facilities)
- Plans surrounding a situation where someone becomes ill at work (i.e. provide a place they can isolate, do not to provide any personal health information about an employee to other employees or customers, etc.)

Legal Information and Considerations for Your Business

This is general information only, rather than legal advice. To determine if your business is compliant with existing health and safety legislation, what additional measures should be implemented by your business, and what should be included in your infection prevention and control plan, the specific circumstances surrounding your business will need to be considered.

You should continuously monitor all federal and provincial announcements as the law and guidance surrounding the COVID-19 pandemic is evolving on a daily basis.

We recommend that you seek assistance from legal counsel where appropriate. Please do not hesitate to contact us if you require assistance with:

- Determining if your business is compliant with existing health and safety legislation;
- Deciding how your business should operate in these circumstances;
- Implementing measures, including an infection prevention and control plan, to ensure compliance with the law.

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This article represents general information and is not legal advice. Please contact us if you would like legal advice that is tailored to your particular circumstances. We would be happy to help.