



COVID-19 QUARANTINE INFORMATION

A GUIDE FOR CUPE MEMBERS IN ONTARIO

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1. Introduction

A) Purpose of Guide:

This Guide provides general information for CUPE members with respect to the various degrees of isolation, sometimes referred to as self-isolation, social distancing and quarantine, resulting from potential exposure, confirmed exposure, or confirmed infection with COVID-19 (with or without symptoms). While the risk to Canadians is still **low**, it is important to be prepared at the individual and community level for all possible scenarios.

B) Background Information to COVID-19:

“COVID-19” is the respiratory infection, of the present coronavirus pandemic. The virus that causes the disease COVID-19 is referred to as SARS-CoV 2. Coronaviruses are a large family of viruses that cause illness ranging from the common cold to more severe diseases such as Middle East Respiratory Syndrome (“MERS-CoV”), Severe Acute Respiratory Syndrome (“SARS-CoV”). The current virus has had a number of names included Wuhan Coronavirus, Novel Coronavirus and 2019-nCoV. COVID-19 is commonly used to describe the virus in media and by health authorities.

During a pandemic, government and public health authorities can make declarations and orders restricting travel and imposing mandatory quarantines and self isolations.

C) Relevant Legislation:

The Health Protection and Promotion Act, R.S.O. 1990, c. H.7 in Ontario grants the Chief Medical Officer of Health sweeping powers to prevent, eliminate or decrease the risk to public health.

77.1 (1) If the Chief Medical Officer of Health is of the opinion that a situation exists anywhere in Ontario that constitutes or may constitute a risk to the health of any persons, he or she may investigate the situation and take such action as he or she considers appropriate to prevent, eliminate or decrease the risk.

2. Quarantine and Isolation

A) Types of Quarantine:

There are different terms being used by health authorities, government, physicians and the media. These include the following:

- Isolation – separating those with possible or confirmed infections from other people. This may also refer to self-isolation. Self-isolation means that a person should restrict outside activities except for obtaining urgent medical care. This means not going to work, school, public spaces, social activities, sporting activities, etc.
- Social Distancing – formal and informal methods of preventing groups of people from congregating e.g. in public spaces such as a sporting event, concerts, etc.
- Quarantine – restricting the movement of, or isolating people who: may have been exposed to SARS-CoV-2, were exposed to SARS-CoV-2, or are infected with SARS-CoV-2 (with or without symptoms of

COVID 19). Quarantines are usually imposed e.g. by health authorities. Where quarantines have occurred, they have usually been for 14 days. There have been a few exceptions.

The Public Health Agency of Canada has stated (subject to change) that all travellers returning from an area affected by COVID-19¹ in the previous 14 days must self-isolate and stay at home for a total of 14 days from the date they left the affected area. Employers may try to determine if the worker has been in contact with persons who are symptomatic or who have COVID-19 or SARS-CoV-2

B) FAQ's for Quarantine and Self-Isolation

I. Can the employer send workers home who are symptomatic, non-symptomatic but have been exposed to persons who have COVID-19, or who have been to locations (countries) that have high infection rates?

Possibly. Employers and workers should view the most up to date guidance published by the relevant Canadian and Provincial governments and agencies, Public Health authorities and the regarding requirements to self-isolation or quarantine.

<https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19.html>

<https://www.ontario.ca/page/2019-novel-coronavirus>

As per the Occupational Health and Safety Act, employers have the general duty to “take every precaution **reasonable** in the circumstance for the protection of a worker”² This duty includes reasonable steps taken by the employer to limit any person that poses an occupational hazard from accessing certain workplaces. As such, any employer requirement for workers to self-isolate should be examined on a case by case basis and the decision by the employer should not be arbitrary or discriminatory.

Other relevant duties of the employer include,

25 (1) An employer shall ensure that,

- (a) the equipment, materials and protective devices as prescribed are provided
- (b) the equipment, materials and protective devices provided by the employer are maintained in good condition
- (c) the measures and procedures prescribed are carried out in the workplace
- (d) the equipment, materials and protective devices provided by the employer are used as prescribed

25 (2) Without limiting the strict duty imposed by subsection (1), an employer shall,

- (a) provide information, instruction and supervision to a worker to protect the health or safety of the worker
- (d) acquaint a worker or a person in authority over a worker with any hazard in the work and in the handling, storage, use, disposal and transport of any article, device, equipment or a biological, chemical or physical agent
- (e) afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions

¹ As of March 12, PHAC has issued travel advisories for COVID-19 to the following areas: China, Japan, South Korea, Iran, Italy and all cruise ships. See: <https://travel.gc.ca/travelling/advisories>

² Occupational Health and Safety Act R.S.O.1990 c.h..0.1; 25 (2) (h)

Additionally, under section 52 (2) of the Act, the employer is required to give notice, within four (4) days, to the Union, the joint health and safety committee and the health and safety representative, if any, if a worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workplace Safety and Insurance Board by or on behalf of the worker.

II. If a worker is quarantined, will they receive pay? Note: there may be differences between entitlements for regular workers versus employees in workers in precarious employment.

The Collective Agreement should be reviewed for any potential entitlements including sick leave, external disability benefits, use of vacation time or banked time, etc.

If the worker has an accepted WSIB claim related to the virus, the worker may receive wage loss and healthcare benefits.

Are there working from home or teleconference opportunities? In a pandemic response, the employer may permit flexing of hours or shifts. Any terms set out in a pandemic response plan developed by the employer should be mindful of provisions in the collective agreement. The CUPE National Representative should be involved in all aspects of these arrangements. The suspension of any terms in the collective agreement would need the approval of both the local and the employer and should be set out in a letter of understanding.

III. What kind of benefits might be available for workers who have been sent home, are quarantined, or who are ill? Can they be accommodated?

The Collective Agreement should be reviewed for any potential entitlements including sick leave, external disability benefits, use of vacation time or banked time, etc.

There may be external benefits plans from insurance carriers. Workers should ask employers for copies of all insurance and disability plan documents.

The [Employment Standards Act](#) may also have benefits (paid and unpaid potential entitlements), including family responsibility leave, family caregiver leave, family medical leave, critical illness leave, etc.

Employment Insurance Benefits, for some workers, may be available to those in quarantine or required to self-isolate. On March 11, 2020, the Prime Minister's Office announced that the government of Canada will provide "...support to workers in quarantine or who have been directed to self-isolate who will claim Employment Insurance (EI) sickness benefits by waiving the mandatory one-week waiting period so they can be paid for the first week of their claim. We are exploring additional measures to support other affected Canadians, including income support for those who are not eligible for EI sickness benefits³."

See more: <https://www.canada.ca/en/services/benefits/ei.html>

Accommodation is considered on a case by case basis. The Ontario Human Rights Code protects workers from discrimination on the grounds of disability and family status. Employers should carefully consider

³ <https://pm.gc.ca/en/news/news-releases/2020/03/11/prime-minister-outlines-canadas-covid-19-response>

the specific circumstances and ensure they fill their procedural and substantive duty to accommodate to the point of undue hardship.

In all cases of human rights issues, including requests for or obligations related to the duty to accommodate, contact the local or CUPE National Representative.

IV. *Can employers require medical notes certifying fitness to return to work or stay at work? Can employers require medical examinations of workers?*

Employer requests for medical information is a labour relations matter subject to the Collective Agreement, union rights, management rights (which is often contained in the Collective Agreement), the Occupational Health and Safety Act, Workplace Safety and Insurance Act, Ontario Human Rights Code and other legislation, and numerous arbitration decisions that have dealt with this issue over the years. Each case is fact dependent. Privacy and confidentiality issues must also be considered.

Workers should contact their local or CUPE National Representative if requests for medical information occur.

V. *Can the employer terminate a worker for being absent due to having COVID-19?*

Generally, no. Matters such as this are subject to the Collective Agreement, management rights (which is often contained in the Collective Agreement), human rights and other legislation, and numerous arbitration decisions that have dealt with this issue over the years. Each case is fact dependent. Workers should contact their CUPE National Representative if this occurs.

VI. *Should quarantined workers file WSIB claims?*

Workers must consider if the exposure is work related or possibly work-related? Does the course of their employment include exposure to persons who are infected? Are workers being sent home due to possible work exposure (without symptoms or actual diagnosis of COVID-19)? If so, workers should file the WSIB Form 6 – https://eservices.wsib.on.ca/portal/server.pt/community/eform_6/209

Workers who suspect they have been exposed to the virus SARS CoV-2 but have not developed symptoms can fill out the WSIB worker exposure incident form - https://www.wsib.ca/sites/default/files/documents/2018-12/3958a_07_16_fs.pdf

3. Preparing for Self-Isolation or Quarantine

A) Preliminary Steps to Self-Isolation and Quarantine:

The US Centers for Disease Control and Prevention and various levels of government have recommended that the public take general precautions and to prepare for COVID-19.

The steps include the following:

- ✓ Create an emergency contact list as part of a Family Emergency Plan
- ✓ Create a list of medications and health conditions that other people may need to be aware of and advise them where this list can be found
- ✓ Confirm what the School Emergency Operations Plan is (if there are children in the family)
- ✓ Confirm if the eldercare facility has an Emergency Operations Plan (if applicable)

- ✓ Confirm what is in the Employer's Pandemic or Emergency Response Plan
- ✓ Obtain copies of all insurance papers e.g. disability plans, the current Collective Agreement, and other documents that may need to be referred to
- ✓ Make arrangements for the delivery of medications and medical supplies if applicable. If prescriptions are running low, restock them. Ensure there are sufficient non-prescription medications such as pain relievers, etc.
- ✓ Make arrangements for the delivery of food, toiletry items, household items, entertainment such as magazines, etc.
- ✓ Make arrangements for mail and parcel delivery
- ✓ Ensure there is sufficient cash for a 14-day or more duration.
- ✓ Ensure important documents such as identification and bank records are available
- ✓ Ensure there is a up to date First Aid Kit
- ✓ Ensure there is an up to date Emergency Kit
- ✓ Ensure that there is sufficient food (including pet food and pet supplies such as cat litter) for at least 14 days including: non-perishables such as rice, grains, flour, pastas, canned goods; vegetables; fruit; water (two litres per person per day).

B) Where Self-Isolation and Quarantine Occurs:

Where quarantine occurs, the following steps should occur (not in order of occurrence):

- ✓ Notify the physician or hospital if and as required, via telephone or email (unless urgent care is required)
- ✓ Notify the CUPE Local President
- ✓ Notify the Employer(s)
- ✓ File with WSIB via the Form 6 (for work related exposure)
- ✓ The Employer will need to fill out the Form 7
- ✓ The attending physician will need to fill out and send the Form 8
- ✓ Determine if there are any Collective Agreement entitlements e.g. sick leave.
 - How will the time spent in quarantine be paid?
 - Including benefits, vacation time, seniority, etc.?
 - Who pays?
 - Commencing when?
 - Are forms required?
 - Is supporting documentation required?
 - Who is the contact person(s) in Human Resources?
 - Who is the CUPE Local contact person(s)?
 - Are there any other employee benefits?
- ✓ Determine if there is a need to file for Employment Insurance
- ✓ Is there a need for Employee and Family Assistance Program assistance, if it exists? Ask the CUPE Local and Employer for information as required
- ✓ Are there any ongoing healthcare issues that require attention or assistance?
- ✓ Ensure there is ongoing social contact – isolation may cause mental health issues or psychological injury
- ✓ Ensure that there is an at-home physical work-out plan if and as required.

- ✓ A study in the Journal of Applied Physiology suggests that two weeks of inactivity could result in muscle loss and other health issues such as a reduction in aerobic capacity, insulin sensitivity, a reduction in cardiovascular health
- ✓ Are there regular communication checks from other persons by phone, email, Skype, etc.?
- ✓ Is ongoing medical treatment required?

C) Protecting Family Members at Home

- ✓ Use a separate room and bathroom for sick household members (if possible).
- ✓ Clean hands regularly by handwashing with soap and water or using an alcohol-based hand sanitizer with at least 60% alcohol.
- ✓ Provide your sick household member with clean disposable facemasks to wear at home, if available, to help prevent spreading COVID-19 to others.
- ✓ [Clean the sick room and bathroom](#), as needed, to avoid unnecessary contact with the sick person.
- ✓ Avoid sharing personal items like utensils, food, and drinks.

D) Post Self-Isolation and Quarantine:

- ✓ Is there a return to work plan?
- ✓ Is an accommodation required?
- ✓ Is Employee and Family Assistance Program assistance required?
- ✓ Are there any Collective Agreement entitlements that need to be applied for?
- ✓ If there is any harassment, bullying or discrimination, contact the CUPE Local Officers or Stewards immediately, as well as the Employer
- ✓ Is financial assistance required?
- ✓ Is ongoing or follow-up medical treatment required?

CUPE Resources for COVID-19 Prevention

[CUPE resource page for COVID-19 \(in english\)](#)

[Site de ressource sur COVID-19 \(en français\)](#)

[La grippe pandémique](#)

[Pandemic Influenza](#)

[Protection Respiratoire](#)

[Respiratory Protection](#)

[COVID-19 Guide pour les travailleurs des soins de santé](#)

[COVID- 19 Guide for health care workers](#)