

RETURN TO WORK: COMPLYING WITH PROVINCIAL HEALTH GUIDELINES

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In recent weeks, the Québec government has authorized businesses to invite their employees progressively to return to their physical workplaces. Accordingly, employers are obligated to comply with various public health guidelines and implement preventive measures in an effort to stave off the spread of COVID-19 as economies reopen.

To support businesses in this process, the *Commission des normes, de l'équité, de la santé et de la sécurité du travail* ("**CNESST**") created a toolkit to assist workplaces across economic sectors in resuming or continuing their operations in compliance with provincial public health guidelines. Comprised mainly of sanitation standards guides, quick reference guides, checklists, and informational posters, the toolkit contains resources applicable across all workplaces, as well as sector specific instructions aimed at ensuring that employees can return to work under the safest and healthiest conditions possible.

While employers are not required to use these tools, failure to cooperate with government guidelines could result in a CNESST inspector issuing a remedial notice to ensure that the employer identifies, controls, and eliminates the biological hazard. Furthermore, if the inspector deems that the health, safety, or physical well-being of workers is at risk, they may order the closure of the workplace until the employer takes corrective action.

To accompany the toolkit, the CNESST also published and invited all workplaces to sign the *Charte d'engagement à combattre le coronavirus en milieu de travail* (the "**Charter**"). Through the Charter, the CNESST aims to bolster solidarity between employers and workers not only to participate in the fight against COVID-19, but also to ensure that the return to work is done in a safe and secure environment. The Charter acknowledges the role that workplaces play as models for best practices in occupational health and safety, the need for cooperation to decrease the threat to the health and welfare of workers, and ultimately the necessity to reduce the long-term consequences of COVID-19 for both businesses and Quebecers.

Signatories of the Charter make the following pledges:

- Cooperate to agree on the occupational health and safety prevention framework to support a

sustainable and inclusive return to work for all employers and workers;

- Rethink the organization of work and reconfigure workplace environments to reduce the risk of the virus spreading;
- Implement social distancing measures;
- Encourage working from home, where possible, as well as the use of technological means of communication with customers or suppliers;
- As an employer, take the necessary preventive measures to protect the health and safety of workers, including ensuring that they do not perform their work when their condition poses a risk to themselves or their coworkers;
- As a worker, adopt adequate hygiene etiquette and promptly disclose any COVID-19 symptoms;
- Collectively, deploy all necessary efforts to combat the pandemic and maintain prevention measures until an approved treatment is available.

Signing the Charter is a symbolic gesture representing the commitment to cooperation in the fight against the spread of COVID-19 in the workplace. Employers and employees can sign the Charter on the CNESST's [website](#), or download a copy to display in their workplace.

For more information, employers can consult the CNESST's toolkit [online](#), as well as further training materials on the [website](#) of the *Institut national de santé publique du Québec*.

If you have any questions relating to the above, please do not hesitate to contact a member of the Employment & Labour Relations Group.

by Shari Munk-Manel and Kelsey Millward.

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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