

## Briefing Note: **Paid Sick Days and Supports for Essential Workers**

Submitted to Dr. David Williams, Chief Medical Officer of Health & Dr. Barbara Yaffe, Associate Chief Medical Officer of Health on January 22, 2021

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### **Background**

COVID-19 transmission continues at a significant rate, with 2,578 new cases in Ontario announced January 18, 2021. Peel's incidence rate and percent positivity has consistently been one of the highest in Ontario through much of the second wave. As of the week of January 10, 2021, Peel's incidence rate remains more than six times higher than the provincial *Red – Control* threshold. Numerous public health measures are already in place, intended to restrict mobility, reduce contacts and COVID-19 transmission. Most recently, the provincial government enacted a stay-at-home order to further this cause.

Essential businesses remain open and essential workers, unable to work remotely, continue to go to work. It is imperative that every effort is made to protect the health and safety of these individuals, the people they work and live with, and the members of the public who frequent essential businesses.

Of the confirmed community outbreaks in Peel reported between September and December 2020, 66 per cent have occurred in workplaces. Correspondingly, occupational exposure was the most common likely source of infection that resulted in secondary household transmission in August 2020.

### **Issue**

Lack of access to paid sick days and adequate income supports poses a barrier to symptom disclosure and testing in the workplace as employees feel compelled to prioritize continued income over an unpaid period of home isolation and subsequent financial hardship. This challenge is particularly evident with workers in precarious employment who most often do not have access to paid sick days. However, this issue is not limited to those precariously employed and also affects low-income workers, essential workers, contract and agency workers, those who cannot work remotely, and health-care workers. This pandemic has highlighted the fact that lack of access to paid sick days is a health hazard.

An analysis of cases reported in Peel since August 1, 2020 provides data on outbreaks linked to working while symptomatic, with workers potentially incentivized to work due to the lack of paid sick days, other income supports, or fear of employer reprisal/job loss:

- In this period, 1,993 cases have reported working in a community workplace setting (i.e., not work from home) for one or more days following their symptom onset date.

- This represents approximately 25 per cent of the 7,874 symptomatic cases during this time period who reported working at some point during their period of communicability.
- Of these cases, 80 have worked for one or more days after the date their positive result was reported to public health. It can be assumed that at least some of these cases were aware of their positive result before returning to work.

Available data also identified three workplace outbreaks in Peel that further highlight the association between people working while symptomatic with workplace transmission:

- **Outbreak at a Brampton meat processing plant in April 2020**
  - Out of 52 cases linked to the outbreak, 11 worked at least one day while symptomatic.
  - Three of the cases worked while they waited to receive their test results.
- **Outbreak at a Mississauga manufacturing company in August 2020**
  - Out of 61 cases linked to the outbreak, 16 worked at least one day while symptomatic.
  - One individual worked while symptomatic after being tested.
- **Outbreak at a Brampton distribution centre in October 2020**
  - Out of 286 cases linked to the outbreak, 63 worked at least one day while symptomatic including 12 who worked while symptomatic after being tested.
  - Data shows that some staff who worked while symptomatic were in the facility over multiple days during that period.

Additional challenges identified in these Peel outbreaks included:

- Use of agency (temporary) workers
  - These workers tend to have fewer worker protections than full-time (permanent) employees.
  - In one case, three agencies were servicing the same workplace, which created communication challenges; self-isolation difficulties were also noted.
- Active screening deficiencies.
- Worker productivity targets provided a conflicting incentive to public health guidance regarding self-isolation.

The Ontario government through Bill 186, *Employment Standards Amendment Act, 2020* (Infectious Disease Emergencies), introduced job protected infectious disease related emergency leave for employees to protect them from potential penalization related to missed work in the context of COVID-19. However, Bill 186 does not

include income supports and, per current provincial employment standards, there is no requirement for paid sick days.

The federal government has established the Canada Recovery Sickness Benefit (CRSB) which provides support to eligible employed individuals who are unable to work due to COVID-19 infection or need to self-isolate. The effectiveness of the CRSB is limited by its amount and duration (\$450 taxes withheld in one-week period; maximum two weeks) as well as the need to reapply for the second week of funding. Delayed release of funds, lack of linguistic cultural support for applicants and eligibility criteria further limit the ability of programs such as CRSB and Employment Insurance to address COVID-19 transmission in the workplace.

Income supports can help facilitate compliance with COVID-19 control measures (e.g., testing and self-isolation). These supports need to be implemented in conjunction with a combination of supports that ensure workers are protected (e.g., PPE and access to rapid testing) and are able to come into work when required (e.g., childcare and transportation).

### **Recommendations – Income Supports**

Income supports for workers who are required to work but may become ill or need time off work to get tested and/or self-isolate, will help support workers to follow public health guidance related to testing and self-isolation and as a result support our essential businesses to operate safely and reduce community transmission of COVID-19.

Reducing COVID-19 transmission among workers will also impact household transmission, which is often the result of introduction from a workplace exposure. This has the potential to effectively reduce the trend of high COVID-19 transmission. Implementation of income supports should ensure that the supports are available to all workers who need it, regardless of their employment status including agency workers, individuals who are precariously employed, and temporary foreign workers.

To that end, the following recommendations are proposed for consideration.

#### **1.1 Implement paid sick leave policies and programs**

- Peel Regional Council has called on the provincial and federal governments to implement and fund the necessary policies and programs to provide adequate paid sick day benefits.
- There is a need for government legislated policy for paid sick days.
- The burden of this policy should not fall on businesses; especially small businesses that cannot take on additional costs at this time.

- The Decent Work and Health Network has developed core principles for the implementation of effective paid sick days policy, concluding that they must be universal, paid, permanent, adequate and accessible.

As the Province considers income support policies and programs to help reduce COVID-19 transmission, below are additional recommendations for policy consideration.

**1.2 Establish a provincial test isolation payment benefit for essential workers**

- For symptomatic individuals or those who have been advised to be tested due to close contact with a case of COVID-19, immediate and effective self-isolation following testing is critical to reduce the risk of transmission in essential workplaces while awaiting test results. A low-barrier test isolation payment benefit, actively promoted at test sites across Ontario, will ensure essential workers do not risk exposing their workplace to avoid experiencing financial hardship while they await their test results.

**1.3 Consider a provincial Pandemic Leave Payment for essential workers that enhances coverage and reduces administrative barriers (e.g., repeat application requirement, timeliness of payment) of current income supports such as the [Canada Recovery Sickness Benefit \(CRSB\)](#)**

- Essential workers need to know that adhering to public health guidance related to self-isolation will not result in financial hardship. The Province should create a low-barrier Pandemic Leave Payment that augments other programs and ensures all essential workers that test positive for COVID-19 or are identified as a close contact of someone who has COVID-19 can receive timely and adequate income support for the full duration of their isolation period with minimal administrative effort (i.e., single application).
- Further, the federal government should be encouraged to improve the CRSB program to increase funding to reflect minimum wage earnings, minimized interruption of income flow for individuals with timely release of funding, simplification of re-application for second week of funding and removal of criterion requiring demonstrated loss of 50 per cent of income prior to application.

**1.4. Increase active promotion and improve access to all available income supports for essential workers**

- Essential workers should be aware of existing income support benefits before being faced with the decision to follow public health guidance. Clear and timely information regarding available provincial and federal income supports need to be actively promoted by the provincial government, municipalities, Public Health Units, workplaces, and COVID-19 testing sites across Ontario to ensure broad awareness.

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## **Recommendations – Other Supports**

In addition to adequate income supports, the following recommendations are offered to protect workers and facilitate effective implementation of public health measures:

### **2.1. Support testing of employees**

- In higher risk workplaces, add frequent on-site rapid testing.
- Ensure employers:
  - communicate information about testing sites and where employees can get tested when appropriate, and
  - respond swiftly to any positive COVID-19 diagnosis to protect other employees from exposure which may include providing access to testing.

### **2.2. Ensure Personal Protective Equipment (PPE) is provided and appropriately used at workplaces**

- Ensure employers provide an adequate and appropriate supply of PPE, including high-quality masks.
- Ensure resources for training are provided to employees on how to properly use PPE.

### **2.3. Provide access to free childcare**

- Provide emergency childcare services to essential workers with school-aged children to support them to continue to work while ensuring that their children are cared for safely.

### **2.4. Provide subsidies for transportation to work**

- Provide financial supports to minimize car-pooling, e.g., subsidies for transit or vehicle rental.
  - Based on recent experiences in managing COVID-19 workplace outbreaks, many employees continue to carpool and have acquired their infection in this manner.

### **2.5. Ensure workplaces that manage agency and temporary employees adhere to COVID-19 workplace guidelines**

- Experience managing COVID-19 outbreak investigations has shown that status as an agency worker can be a key factor that discourages testing and compliance with self-isolation protocols when sick or exposed to COVID-19, which can lead to workplace outbreaks. The Province should ensure that third party employers provide the appropriate supports for agency workers and foreign-trained workers including:

- Appropriate training to adhere to infection prevention control measures (e.g., wearing PPE to prevent seeding of the COVID-19 virus in workplaces).
- Promotion of relevant income supports.
- Where possible, provide the same protections as full-time workers (e.g., giving them consistent, full-time work on a temporary basis during the pandemic; similar to limiting LTC workers to a single home).

**2.6 Increase proactive workplace inspections of higher risk workplaces**

- Ensure additional, proactive workplace inspections are conducted in higher risk workplaces where large number of employees cannot work from home.
- Utilize escalating enforcement for workplaces found to be operating without sufficient precautions to keep essential workers safe from COVID-19.

Given the current gravity of the COVID-19 pandemic and the threat it poses to the health and safety of Ontarians, immediate action by the provincial government is needed to deploy all effective means at its disposal to curb COVID-19 transmission. An essential tool in achieving this goal is the implementation of paid sick days for workers, along with the other aforementioned supports, to ensure workers are not forced to choose between earning a living and protecting themselves, their families and fellow employees by following public guidelines.

Current policies and supports have been found to be insufficient in addressing this challenge, highlighting the need for further collaboration amongst the provincial and federal governments to ensure that primary and secondary occupational COVID-19 exposure risk is minimized and to put an end to this pandemic.