COVID-19
Reference document

March 14, 2020, 2 a.m.

NB: The *Service juridique* and the *Service de la santé, sécurité et environnement* would like to point out that due to the rapidly changing situation in Québec, the information contained in this document was up to date as of March 20, 2020, at 8 a.m. Both departments are committed to updating this document as frequently as possible. That being said, it is the reader's responsibility to keep abreast of the latest developments.

INTRODUCTION

COVID-19 or coronavirus (*for coronavirus disease 2019*) is a new infection that appeared in China at the end of 2019. The symptoms are similar to those of other respiratory viral infections such as fever (83 to 98% of cases), cough (76 to 82% of cases) and difficulty breathing (31% of cases). The infection can be mild, but in some cases it can cause acute respiratory symptoms and pneumonia. It can lead to death for persons more vulnerable to infections. There is no known vaccine or treatment[1].

The COVID-19 infection has spread rapidly. As of March 13, 2020, there were more than 130,000 confirmed cases in 123 countries[2]. On March 13, 2020, Canada had more than 138 cases. In Québec, the number of confirmed cases as of March 12, 2020, was 17[3]. Canada's Health Minister predicted that between 30% and 70% of the country's population may be infected in the coming months[4].

The exact mode of transmission is not yet well known, but contact with droplets of respiratory secretions from infected people is the most common route of transmission reported in literature. However, according to the *Institut national de santé publique du Québec* (hereinafter referred to as "INSPQ"), transmission by air (aerosols produced under certain conditions) cannot be excluded. The average incubation period seems to be 5 to 6 days, but as a precaution, the INSPQ suggests considering a period of 14 days[5].

For the moment, no data allows us to know the exact extent, duration or importance of the contagiousness of the persons infected. There seems to be a possibility of transmission before symptoms appear.

The federal and provincial governments submit up-to-date information through these websites:

https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection.html

https://www.quebec.ca/en/health/health-issues/a-z/2019-coronavirus/

[1] https://www.inspq.qc.ca/sites/default/files/documents/maladies-infectieuses/2020-02-28_covid-19_fiche_tableau_clinique_inspq.pdf
[2] https://who.maps.arcgis.com/apps/opsdashboard/index.html#/c88e37cfc43b4ed3baf977d77e4a0667
[3] https://www.quebec.ca/en/health/health-issues/a-z/2019-coronavirus/
[4] https://www.lapresse.ca/covid-19/202003/11/01-5264213-coronavirus-30-a-70-des-canadiens-pourraient-etre-infectes.php
[5] https://www.lapresse.ca/covid-19/202003/11/01-5264213-coronavirus-30-a-70-des-canadiens-pourraient-etre-infectes.php

As the Premier of Québec, François Legault, pointed out during his press conference on March 12, 2020, the situation with COVID-19 is evolving very rapidly and is a source of great concern among the population as well as among members of the CSN.

In this regard, this document aims to provide certain answers to the most frequently asked questions.

From the outset and before even addressing the various questions that the current situation may raise, it seems essential to reiterate the basic principles governing labor relations and which continue to apply in the event of a pandemic.

OBEY NOW, GRIEVE LATER

According to labor law, an employee, even if he is right in law, must obey first and file a grievance later. There are however some exceptions to this “obey now, grieve later” rule:

- where the order is unreasonable or contrary to law or to public order;
- where an employer cannot give an order whose execution may involve a breach of the law;
- where the order exposes the employee to a danger for his health or safety;
- where the use of grievance would be illusory and the order is clearly contrary to the collective agreement, for example refusal to work a night shift;

We must emphasize that, as for any exception, these are interpreted very restrictively and on numerous occasions, insubordination has been found, in particular for a refusal to undergo a medical examination.

SUPERIOR FORCE

The principle of superior force is introduced into Québec law by article 1470 of the Civil Code of Quebec (hereinafter referred to as "CCQ"), the latter providing for the following:

> **1470.** A person may free himself from his liability for injury caused to another by proving that the injury results from superior force, unless he has undertaken to make reparation for it.
>
> Superior force is an unforeseeable and irresistible event, including external causes with the same characteristics.

In this regard, superior force requires proof of an unforeseeable and irresistible event.

Jurisprudence calls upon the classic notion of the reasonable, prudent and diligent person who asks the following question: **was the event normally foreseeable for such a person placed in the same circumstances?**

> "D'autre part, le caractère irrésistible de l'événement doit être tel qu'il rende toute opposition de la part du débiteur inutile ou futile. En effet, celui-ci a le devoir de tout mettre en œuvre pour fournir l'exécution, même si un changement de circonstances a accru pour lui la difficulté du paiement. L'événement qui rend l'exécution simplement plus difficile, plus périlleuse ou plus coûteuse pour le débiteur ne tombe pas dans la catégorie de la force majeure ; en d'autres termes, l'événement invoqué comme force majeure doit être tel qu'il empêche l'exécution de l'obligation d'une manière absolue.
>
> Les phénomènes naturels (inondations, crue et débâcle, pluie, gel, tempête), l'incendie et les faits de l'être humain (grève, vol, guerre ou émeute, fait du prince, maladie ou accident) ne sont pas en principe des forces majeures, mais peuvent le devenir suivant les circonstances propres de l'affaire et leur conformité aux conditions d'imprévisibilité et d'irrésistibilité (comme ce fût le cas pour la tempête de verglas en janvier 1998)[6]."

We believe that the concept of superior force clearly applies to the current pandemic situation.

[6] René Gauthier, *Gérer efficacement en temps de pandémie, Devoirs et obligations*, Colloque : Gérer efficacement en temps de pandémie, BOMA Québec, 8 novembre 2006.

LEGAL ASPECT OF PREVENTION

An *Act respecting occupational health and safety*[7] (hereinafter referred to as "AOHS") defines a contaminant as including a microorganism:

> **1.** In this Act and the regulations, unless otherwise indicated by the context,
> (…)
> "**contaminant**" means a solid, liquid or gaseous matter, a microorganism, a sound, a vibration, a radiation, heat or an odor, or any combination of these, that is generated by equipment, a machine, a process, a product, a substance or a dangerous substance and that is likely to alter in any way the health or safety of workers;

Protective re-assignment

Thus, exposure to a contaminant gives rise to the right of protective re-assignment provided for in section 32 of the AOHS:

> **32**. **A worker who furnishes a certificate attesting that his being exposed to a contaminant entails danger to him, in view of the fact that his health shows signs of deterioration, may request to be re-assigned to duties that do not entail exposure to a contaminant** and that he is reasonably capable of performing, until the condition of his health allows him to resume his former duties and his working conditions conform to the standards established by regulation for that contaminant.[emphasis added]

This section is likely to apply only if the contaminant presents a particular risk for the employee due, namely, to his precarious state of health. The re-assignment requires a medical certificate attesting to the danger. In the case of COVID-19, this particular risk could be, for example, the fact that the employee is more likely, for different health conditions, to develop pneumonia.

Section 34 of the AOHS indicates that the CNESST may, by regulation, identify the contaminants in relation to which a worker may exercise his right under section 32 of the Act. So far, no related regulation has been adopted. However, a decision recognizes the possibility of obtaining a re-assignment under section 32, even in the absence of regulation (see *PPG Canada*[8]).

[7] CQLR, c. S-2.1
[8] [1993] CALP 371 (C.S.).

Re-assignment of a pregnant or nursing worker

The AOHS also provides for a right of protective re-assignment for the pregnant employee. Again, a medical certificate must attest that the working conditions involve physical dangers for the unborn child or for the employee herself:

> **40**. **A pregnant worker who furnishes to her employer a certificate** attesting that her working conditions **may be physically dangerous to her unborn child, or to herself by reason of her pregnancy**, may request to be re-assigned to other duties involving no such danger that she is reasonably capable of performing.
>
> The form and tenor of the certificate are determined by regulation, and section 33 applies to its issuance. [emphasis added]

In the case of COVID-19, the pregnant worker may be more likely to develop the disease due to a weakened immune system caused by the pregnancy.

Right of refusal

Moreover, a worker may exercise a right of refusal if he has reasonable grounds to believe that the performance of that work would expose him to danger to his health:

> **12**. A worker has a right to refuse to perform particular work if he has reasonable grounds to believe that the performance of that work would expose him to danger to his health, safety or physical well-being, or would expose another person to a similar danger.

The right of refusal is exercised individually and not collectively. The AOHS provides that each worker should individually exercise their refusal.

At this stage, a reasonable belief that a danger exists is sufficient[9]. This reasonable belief essentially refers to the fact that a normal person, in the same situation, may believe that there is a probability of the existence of the danger. In regards to the situation related to COVID-19, this notion will evolve as new information becomes available on a daily basis, as indicated by the drastic measures announced by the Gouvernement du Québec on March 12, 2020. The existence of the danger will only be addressed when the CNESST inspector intervenes. The inspector will question the presence of a real danger[10], the danger not having to be "immediate"[11].

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[9] *Charest* et *Services ambulanciers Porlier ltée*, 2018 QCTAT 2891; *Syndicat des agents de la paix en services correctionnels du Québec* et *Québec (Ministère de la Sécurité publique) (Détention)*, [2007] C.L.P. 675; *Desmarchais* c. *Steinberg*, [1988] CALP 27;
[10] *Casino du Lac Leamy* c. *Villeneuve,* AZ-50254016.
[11] *Syndicat des agents de la paix en services correctionnels du Québec* et *Québec (Ministère de la Sécurité publique) (Détention)*, [2007] C.L.P. 675 ; *Girard* c. *Québec (Ville de)*, 2004 CLP 1209.

No worker may exercise the right of refusal if his doing so puts the life or health of another person in immediate danger or if the conditions under which the work is to be performed are ordinary conditions in this kind of work:

> **13**. No worker may, however, exercise his right under section 12 if his refusal to perform the work puts the life, health, safety or physical well-being of another person in **immediate** danger or **if the conditions under which the work is to be performed are ordinary conditions in his kind of work**. [emphasis added]

Immediate danger implies an imminent danger.

As for ordinary work conditions, the exception is to take into account the fact that certain jobs are inherently dangerous or at the very least they present inherent but nonetheless normal risks in this type of work.

However, a distinction must be made between the risk inherent in the trade and that which results from an unsuitable working environment and a poor work organization. Thus, just because an employer does not take the means to resolve a dangerous situation does not mean that it is normal.

Note that the abnormal working condition cannot result from the employee's personal condition alone[12]. This does not mean, however, that a personal condition will in itself defeat a right of refusal:

> "Faut-il rappeler enfin que, si la condition de santé personnelle d'un travailleur ne peut justifier son refus d'exécuter son travail, aux termes de l'article 12 de la Loi sur la santé et la sécurité du travail, elle ne constitue pas non plus une fin de non-recevoir à l'exercice de tel droit de refus, justifié par ailleurs."[13]

During the exercise of the right of refusal, the employer must maintain remuneration. However, the worker must remain available to the employer and may be assigned to other tasks.

At the federal level, section 128 of the Canada Labor Code[14] (hereinafter referred to as "CLC") contains similar provisions.

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[12] *Mercier* et *Coopérative fédérée du Québec*, CALP 32252-04-9111, 7 août 1992, J.-G. Roy ; *Centre d'accueil Émilie-Gamelin* c. *Thivierge*, [1987] CALP 331.
[13] *Centre d'accueil Émilie-Gamelin* c. *CALP*, décision rejetant une demande de révision judiciaire [1988] CALP 185, p. 198.
[14] R.S.C.,1985, c. L-2.

Employee obligations

According to the AOHS, a worker must take the necessary measures to ensure his health, safety or physical well-being and see that he does not endanger the health, safety or physical well-being of other persons at or near his workplace:

> **49**. A worker must:
>
> (…)
>
> (2) take the necessary measures to ensure his health, safety or physical well-being;
>
> (3) see that he does not endanger the health, safety or physical well-being of other persons at or near his workplace;

At the federal level, the obligation under section 126 of the CLC extends to the reporting of dangerous situations.

In *Hôpital du Sacré-Cœur de Montréal* c. *Legault*[15], the CALP blames a nurse for failing to get vaccinated. The nurse asked for a protective re-assignment because of the risk of contracting tuberculosis or hepatitis B. Commissioner M. Dagenais considers that the re-assignment to the coronary unit is sufficient. She also notes:

> "Par son programme de vaccination contre le virus de l'hépatite B, non seulement l'employeur répond-il à son obligation de protéger la santé des travailleurs, mais il élimine le danger à la source.
>
> À cette obligation de l'employeur, correspond celle des travailleurs qui doivent, eux aussi, se conformer aux obligations que leur impose l'article 49 de la loi, notamment le deuxième paragraphe qui édicte ceci :
>
> 49. Le travailleur doit :
>
> […]
>
> 2° prendre les mesures nécessaires pour protéger sa santé, sa sécurité ou son intégrité physique ;
>
> (…)
>
> La Commission d'appel est d'avis qu'une travailleuse qui omet volontairement de se prévaloir d'une mesure de prévention offerte par l'employeur et qui élimine le danger, en l'occurrence le vaccin contre le virus de l'hépatite B, ne

[15] AZ-4999014352

> saurait invoquer son omission pour obtenir les bénéfices des dispositions de la loi."

The same was true during the massive 2009 vaccination campaign in anticipation of the influenza A H1N1 pandemic. For example, in the case *Syndicat des professionnelles en soins infirmiers et cardio-respiratoires de Rimouski (FIQ)* c. *Morin*[16], the Superior Court confirmed the unpaid withdrawal of a nurse who had refused the influenza A H1N1 vaccine since in doing so, she became a vector of transmission for both her colleagues and the patients.

> "[35] Le Tribunal ne voit pas d'erreur manifeste qui justifierait d'intervenir, mais au contraire, il se dit en accord avec l'analyse et les conclusions auxquelles l'ARBITRE en arrive.
>
> [36] S'appuyant également sur l'article 27.04 de la convention collective qui précise que **l'employeur prend les mesures nécessaires pour protéger** la santé et assurer la sécurité et l'intégrité physique de toutes les salariées, **il était pleinement justifié**, comme le mentionne l'ARBITRE, de ne pas relocaliser Madame Bernier durant cette période d'éclosion alors qu'une preuve non contredite a établi qu'elle n'était pas une salariée porteuse saine de germes (art. 27.03) et **qu'il y avait un grand risque qu'elle contamine non seulement les usagers, mais ses compagnes et compagnons de travail**." [emphasis added]

Note that at the federal level, Air Canada ticket agents who refused to work during the SARS epidemic had their right of refusal denied, the employer having provided gloves and masks[17].

Employers also have obligations under the AOHS and the CLC. The AOHS provides a non-exhaustive list of obligations for employers:

> **51.** Every employer must take the necessary measures to protect the health and ensure the safety and physical well-being of his worker. He must, in particular:
> (1) see that the establishments **under his authority are so equipped and laid out** as to **ensure the protection of the worker**;
> (2) designate members of his personnel to be responsible for health and safety matters and post their names in a conspicuous place easily accessible to the worker;
> (3) ensure that the **organization** of the work and the **working procedures and techniques do not adversely affect** the safety or health of the worker;

[16] 2009 QCCS 2833.
[17] *Cole* c. *Air Canada* [2006] C.L.C.A.O.D., no 4.

(4) **supervise the maintenance of the workplace**, provide sanitary installations, drinking water, adequate lighting, ventilation and heating and see that meals are eaten in sanitary quarters at the workplace;
(5) use methods and techniques intended for the identification, **control and elimination** of risks to the safety or health of the worker;
(6) take the fire prevention measures prescribed by regulation;
(7) **supply safety equipment** and see that it is kept in good condition;
(8) **see that no contaminant emitted** or dangerous substance used **adversely affects the health or safety of any person** at a workplace;
(9) **give the worker adequate information as to the risks connected with his work** and provide him with the **appropriate training, assistance or supervision** to ensure that he possesses the skill and knowledge required to safely perform the work assigned to him;
(10) post up in a conspicuous place easily accessible to the worker all information transmitted by the Commission, the agency and the physician in charge, and put that information at the disposal of the workers, the health and safety committee and of the certified association;
(11) **provide the worker, free of charge, with <u>all</u> the individual protective health and safety devices or equipment** selected by the health and safety committee in accordance with paragraph 4 of section 78 or, as the case may be, the individual or common protective devices or equipment determined by regulation, and require that the worker use these devices and equipment in the course of work;
(12) allow workers to undergo the medical examinations during employment required under this Act and the regulations;
(13) give, to the workers, the health and safety committee, the certified association, the public health director and the Commission, the list of the dangerous substances used in the establishment and of the contaminants that may be emitted;
(14) cooperate with the health and safety committee, or as the case may be, the job-site committee and with any person responsible for the application of this Act and the regulations and provide them with all necessary information;
(15) put at the disposal of the health and safety committee the equipment, premises and clerical personnel necessary for the carrying out of its functions. [emphasis added]

These are important obligations and employers must take the necessary measures to respect them and have them respected. They must also go further than the legislative text since it is not limiting, considering that an employer has full control over the performance of the work[18]. This is what the Superior Court noted in the case *Commission scolaire du Sault St-Louis c. Caothi*[19].

[18] 2008 QCQ 6769
[19] 1990] C.A.L.P. 376 (C.S.).

> "Le fait de rallier l'art. 51 à l'objet de protection et d'efficacité de la Loi n'équivaut certes pas une « fraude à la loi ». De plus, l'art. 182 confère à l'inspecteur un large pouvoir quant au contenu de son avis de correction. En dernier lieu, rappelons **que l'art. 51 ne se veut pas exhaustif**, et emploie, dans son paragraphe introductif, le mot « notamment ». Cela cadre bien avec l'objectif de la Loi, soit le respect de la santé, de la sécurité et de l'intégrité physique des travailleurs. Il n'était pas déraisonnable de conclure, comme l'ont, sans doute, fait les intimés, que les mesures de prévention des risques au travail doivent quelques fois être assumées par l'employeur pour être efficaces."

In the context of COVID-19, this can namely manifest itself as the obligation to clean the premises, such as providing cleaning and disinfectant products, providing personal protective equipment, redesigning access to the site, etc.

Prevention measures recommended for personnel

The INSPQ issued interim recommendations on infection prevention and control measures for acute care facilities[20]. For all employees, it is recommended to strengthen the application of basic practices at all times, namely: hand hygiene for personnel and for a person who coughs, wearing a procedure mask and applying respiratory etiquette (cough in the elbow).

When a case is suspected, probable or confirmed, health personnel must also apply additional precautions against transmission by air or by contact, i.e. wearing:

- an N-95 mask;
- single-use, disposable long-sleeved blouse;
- disposable gloves, well fitted and covering the wrists;
- disposable eye protection (face shield or goggles).

The INSPQ also recommends that personnel be trained to put on and remove these personal protective equipment (PPE) properly and in the prescribed order to avoid cross-contamination.

Certain medical procedures are associated with an increased risk of transmission of COVID-19, because they generate aerosols, for example, cardiopulmonary resuscitation and tracheal intubation. For these procedures, it is recommended to limit their use to those which are essential, to carry them out in a negative pressure room and to wear in addition to the PPE mentioned above, a single-use waterproof blouse with long sleeves.

[20] https://www.inspq.qc.ca/sites/default/files/documents/maladies-infectieuses/2020-02-26_covid-19_mesurespci_interim_v3.pdf

For hygiene and sanitation personnel in hospitals, the INSPQ directives require, for daily maintenance, that the personnel wear PPE as indicated while in the patient room, and that they clean and disinfect the rooms at least once a day, paying attention to frequently touched surfaces. When the additional precautions cease or when the symptomatic patient leaves, respect the waiting time required for the ventilation to have removed 99.9% of the air from this room before disinfecting. In these cases, personnel are not required to wear PPE.

Please note that the directives could be modified according to the evolution of knowledge concerning the propagation or the treatment of COVID-19.

VULNERABLE WORKERS

AOHS

The condition of a vulnerable person requires that an employer take different prevention measures. However, for the purposes of application of the AOHS, there must at least be a basic danger.

A distinction must be made between exposure to danger and a personal condition.

A personal condition alone does not give rise to the right of refusal, to protective re-assignment or to protective re-assignment for the pregnant employee.

We believe that workers with chronic obstructive pulmonary disease (COPD) or immunocompromised exposed to COVID-19 can exercise the right of refusal, of protective re-assignment or of protective re-assignment for the pregnant employee.

AOHS

Can a vulnerable person have COVID-19 recognized as an industrial accident or occupational disease by the CNESST considering that they have a higher risk of contamination due to their personal condition?

Yes. Having a personal condition or weakness does not exclude exposure to risk factors at work or the occurrence of an industrial accident. The exposure believed to be responsible for COVID-19 infection must be carefully identified.

INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

The Act respecting industrial accidents and occupational diseases[21] (hereinafter referred to as "AIAOD") defines the concepts of forms of occupational injuries:

> **2.** In this Act, unless the context requires otherwise:
>
> "**employment injury**" means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation;
>
> "**industrial accident**" means a sudden and unforeseen event, attributable to any cause, which happens to a person, arising out of or in the course of his work and resulting in an employment injury to him;
>
> **"occupational disease**" means a disease contracted out of or in the course of work and characteristic of that work or directly related to the risks peculiar to that work;
>
> **29.** The diseases listed in Schedule I are characteristic of the work appearing opposite each of such diseases on the schedule and are directly related to the risks peculiar to that work.
> A worker having contracted a disease contemplated in Schedule I is presumed to have contracted an occupational disease if he has done work corresponding to that disease according to the Schedule.
>
> **30.** A worker having contracted a disease not listed in Schedule I out of or in the course of employment and not as a result of an industrial accident or of an injury or disease caused by such an accident is considered to have contracted an occupational disease if he satisfies the Commission that his disease is characteristic of work he has done or is directly related to the risks peculiar to that work.

We will limit the analysis to the broad notion of employment injury from the angle of industrial accident and occupational disease.

Is it possible to have COVID-19 recognized as an employment injury?

In this regard, it should be noted that on a few occasions, a contagious disease contracted in the workplace has been recognized as an industrial accident or an occupational disease.

[21] CQLR, c. A-3.001.

Thus, in *Fontaine* et *Ambulances Demers inc.*[22], a paramedic who had contracted sinusitis and tonsillitis with streptococcus after having been in contact with a patient infected with streptococcus A, during transport, had her injury recognized, under the concept of industrial accident, although there was a delay between exposure and the onset of the first symptoms in the worker.

Also, in *Desgagné* et *CIUSSS du Saguenay–Lac-Saint-Jean*[23], an absence from work due to an influenza contracted at work was recognized as an injury, this disease being linked to the particular risks of work even in the absence of an outbreak in the workplace. The Tribunal recalls that the level of evidence required is the balance of probabilities. In the presence of credible, reliable and uncontradicted evidence that the workplace is the only vector of transmission, there is sufficient evidence of exposure to determine that it was occupational exposure that caused the employee's influenza. It should be noted that Schedule I to the AIAOD has not been amended since 1985, thus COVID-19, like influenza, is not one of the alleged diseases. It is therefore considered by virtue of the broad concept of occupational disease or that of diseases not provided for in Schedule I.

Thus, it seems that, if it can be demonstrated that COVID-19 was indeed contracted in the workplace, we could see it qualified as an occupational disease.

Obviously, the more the pandemic spreads, the more difficult it will be to demonstrate that this is where the virus was contracted, since there will be as much, if not more, exposure outside of the workplace.

However, a large pandemic will not eliminate the occurrence of certain industrial accidents.

For the time being, no rapid medical cure or immunizing treatment exists. The field of medical research is working hard to find an immunizing treatment by vaccination. Should such a treatment become available and required by an employer, it should be stated that the consequences (diseases developed following the vaccine injection) of a vaccine received because of or in the course of work can be recognized as occupational diseases. A worker in the health and social services network saw her occupational injury from a vaccine reaction accepted by the Tribunal[24].

[22] 2019 QCTAT 1304.
[23] 2019 QCTAT 4771.
[24] *Jubinville* et *Hôpital Maisonneuve-Rosemont*, 2012 QCCLP 3277.

SPECIFIC DIRECTIVES

Following Premier François Legault's press conference on March 12, 2020, setting out the prevention measures implemented in Quebec, certain departments have issued their own directives. The following aim to summarize these different directives.

MINISTÈRE DE L'ÉDUCATION

Targeted facilities: school day-care services; elementary schools; secondary schools; CEGEPs; universities

Remuneration during the isolation period

The person's salary will be maintained during a period of isolation according to government directives.

Gatherings / Meetings

All indoor gatherings of 250 people or more in the same room are prohibited. For example, an activity in a cafeteria, an amphitheatre, a classroom, a sports center, etc.

Vacations

There are no directives concerning upcoming vacations.

Travel outside Canada

All work-related trips are no longer authorized for employees as of March 12, 2020, until further notice. This measure applies to all types of activities such as internships, school outings, student exchanges, competitions and conferences.

Returning from abroad

The employer must take the necessary measures to ensure that a person who has returned from a stay outside Canada since March 12, 2020, must comply with a mandatory 14-day isolation period.

For those returning from a trip outside of Canada before March 12, 2020, isolation for 14 days is required if the person has symptoms similar to COVID-19 (cough, fever, difficulty breathing).

Special features

The Gouvernement du Québec has announced the closure, from Monday, March 16 to Friday, March 27, of all daycare services and the education network (elementary and secondary schools, training centers, private schools, CEGEPs, colleges and universities).

We have been informed that the CSDM will probably maintain a daycare service only for students whose parents occupy a position in an essential service (health and emergency services). Details will follow regarding this service on the CSDM website.

In addition, at the CSDM, all non-teaching staff and administrative employees are required to work according to the conditions established by their manager in order to ensure the maintenance of certain services.

We currently have no information on the directives for other school boards.

MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX

Remuneration during the isolation period

The directive of the CPNSSS mentions that:

> Upon return to Canada, the employee who works in the health and social services network will be placed in mandatory isolation for 14 calendar days. The possibility of teleworking will be assessed according to the position that the person occupies or according to the needs of the establishment.
>
> In the event that the latter is not possible, details will be transmitted over the next few days as to whether the person will be paid or not.
>
> Pending clarification regarding remuneration, the employee, who has already planned a trip outside Canada and whose departure must take place before March 16, 2020, at 11:59 p.m., will be in mandatory isolation upon return to Canada for 14 calendar days. During this period, the employee will receive their usual remuneration. The possibility of teleworking will be assessed according to the position occupied by the person or the needs of the establishment.

In view of the contradiction inherent in the directive, we are awaiting further details.

Gatherings / Meetings

All components of the health and social services network are asked to cancel all indoor gatherings of more than 250 people or that are not necessary for the next 30 days.

Vacations

There are no directives concerning upcoming vacations.

Returning from abroad

See “Remuneration during the isolation period”.

Special features

An asymptomatic employee who has been in contact with COVID-19, in accordance with INSPQ provisions, and who must be isolated in accordance with the recommendations of the authorities having jurisdiction, will receive their usual remuneration.

DAYCARE CENTRES

Illness / Isolation

Any member of personnel returning from a stay abroad must put themselves in self-isolation for a period of 14 days.

Remuneration

During the 14-day isolation period, employee remuneration is maintained.

Gatherings / Meetings

All gatherings of 250 people or more in the same room are prohibited.

Vacations

For all new requests for vacation leave after March 12, 2020, members of personnel must inform their supervisor of any trip outside Canada and their request will be processed according to the directives issued by the *Ministère de la Famille*.

Returning from abroad

Any member of personnel returning from a stay abroad must put themselves in mandatory isolation for a period of 14 days.

DAYCARE MANAGER

Illness / Isolation

Any daycare manager, or any person living with such a person, who is returning from a trip abroad must put themselves in self-isolation for a period of 14 days.

Remuneration

Subsidies awarded to daycare managers must be maintained during the 14-day isolation period.

Gatherings / Meetings

There are no directives on this subject.

Vacations

For all trips abroad after March 12, 2020, daycare managers must, after their return, put themselves in self-isolation for a 14-day period. Note that the general directive of the *Ministère de la Famille* will apply.

Returning from abroad

Any member of the personnel returning from a stay abroad must put themselves in mandatory isolation for a period of 14 days.

Special features

Daycare managers who have been in contact with a person having visited a foreign country or who have travelled abroad must inform the office of the coordinator.

FREQUENTLY ASKED QUESTIONS

In the context of this opinion, we have grouped the questions by theme: physical integrity and private life, leaves for family responsibilities, travel and holidays, closure, period of isolation. The opinion ends with various questions, namely questions which could not be found in the previous topics and questions relating to occupational health and safety.

PHYSICAL INTEGRETY AND PRIVATE LIFE

Can my employer force me to take a screening test? (e.g. take my temperature)?

It goes without saying that a person's state of health, their diseases or the viruses or bacteria they may carry, constitute confidential information, which concerns their private life.

An employer may request personal information, including medical information, or even arrange for a medical examination. However, he must prove that the information he wants to obtain is necessary given the employee's job or position.

The employer would be justified in asking the following questions to any employee in order to determine if the risks of contamination are present:

1. Did the person travel outside of Canada?
2. Has the person been in contact with an infected person?
3. Does the person have symptoms associated with COVID-19?

Therefore, an employer cannot force an employee to have their temperature taken.

However, where an employee would refuse to have their temperature taken, the employer could send the employee home if an infection is suspected.

Does the employer have the right to demand a return to work certificate?

An employer who has reason to believe that an employee is unable to perform his work due to health problems may submit him to a medical examination or require a medical certificate declaring him fit to work.

Does the employer have the right to inform employees that a person is infected?

An employee returning from a risk zone or who has been in contact with an infected person is likely to be infected. They therefore pose a risk of exposure to the virus for their colleagues.

Under section 51 of the AOHS, the employer must take the necessary measures to protect the health and ensure the safety and physical well-being of his personnel. He also has the obligation to correctly inform employees of the risks related to their work.

At the federal level, section 124 of the CLC imposes similar obligations to employers. Despite his obligations, an employer must respect the private life of his employees. Therefore, he must inform them that a person is infected, without revealing the person's identity, unless it is necessary.

LEAVE FOR FAMILY RESPONSABILITIES

If I must stay home to take care of my child or because a family member is sick, what are my rights regarding the leave?

Several collective agreements provide for family-related leave. We therefore invite readers to refer to their collective agreements first.

In the event that the collective agreement does not contain such provisions or, for unions without a collective agreement, the Act respecting labor standards[25] (hereinafter referred to as "ARLS") applies. For employees working for an employer under federal jurisdiction, it is the CLC that applies.

According to section 79.7 of the ARLS, an employee may be absent from work for 10 days per year to fulfil obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of a relative or a person for whom the employee acts as a caregiver. The first two days taken annually shall be remunerated for employees credited with three months of uninterrupted service. Note that the leave may be divided into days. The employee must however take all reasonable steps to limit the duration of the leave.

At the federal level, section 206.6 of the CLC provides for the possibility for an employee to be granted a leave of absence from employment of up to five days in every calendar year to allow them to carry out obligations related to the health or care of any of their family members. If the employee has completed three consecutive months of continuous employment with the employer, the employee is entitled to the first three days of the leave with pay.

If I have to be absent for more than 10 days for family responsibilities and the collective agreement does not provide for additional leave in this regard, what happens?

The government has called for flexibility on the part of employers, which leads us to believe that the employment relationship would be difficult to threaten in such a case. However, this leave would be without pay, unless otherwise indicated by the employer or the government.

[25] CQLR, c. N-1.1.

ISOLATION PERIOD

When can an employer send an employee in isolation?

An employer can put an employee in isolation when he has reasonable grounds to do so. An employer who uses government guidelines to justify isolation has reasonable grounds.

Thus, according to current government directives, an employer can impose on a person who, as of March 12, 2020, has returned from abroad or has symptoms similar to the flu or cold, an isolation for a period of 14 days.

If the employee complies with government directives and places himself in self-isolation, the employer can request a supporting document (plane ticket, medical certificate, etc.).

Can the employer decide when the isolation starts?

An employer has the right to indicate when the period of isolation applies (date and time), provided that this does not contravene a government directive.

Does the employer have to maintain remuneration during the isolation period?

It must first be checked whether the situation is covered by paid sick leave provided for in a collective agreement. The employer could ask to empty this bank of sick leave first.

Short-term disability insurance may also cover this situation. Contact the insurer to find out. The Canadian Life and Health Insurance Association said in a March 13, 2020, news release that it was committed to helping employers replace part of the wages of their workers placed in isolation[26].

If the employee does not have insurance, the ARLS provides two days of paid sick leave for those with at least three months of continuous service. The CLC provides for three paid sick days for workers under federal jurisdiction who have three months of continuous service.

If neither the employer nor the insurer agree to pay and the days provided for in the ARLS are not sufficient to cover the period of isolation, a request for employment insurance sickness benefits may be made, if the employee has worked at least 600 hours within the last 52 weeks. These benefits apply to people who are unable to work due to a period of isolation imposed by their employer, when this has been recommended by a public health officer in the interests of health and public safety in general. The one week waiting period before benefits begin has been abolished for people placed in isolation between March 12 and September 7, 2020. To have the waiting week cancelled, call 1 833 381-2725.

[26]https://www.clhia.ca/web/CLHIA_LP4W_LND_Webstation.nsf/page/C57A6E2EF31A89C58525852A00512281!OpenDocument.

Can an employer force an employee over 70 years of age to quarantine?

No, except if the person has symptoms or is infected with the coronavirus.

The Gouvernement du Québec invites people aged 70 and over "to try to stay at home, except in case of absolute necessity or certain exceptions, such as going to an important medical appointment", because it considers that this age group is the most vulnerable to the coronavirus.[27]

The objective is to protect people aged 70 and over from the more serious consequences of COVID-19.

The ability to work of people in this age group is not affected. An employer could, however, offer an employee over the age of 70 to telework or stay at home, in order to protect them from the risk of complications.

Moreover, employers must not discriminate on the basis of any of the grounds provided for in the Charter, although they have the obligation to take the necessary measures to ensure the health and safety of their employees.

Remember that an employee must obey first and file a grievance later. A grievance could be filed to challenge the employer's decision.

Can an employee over 70 years of age require from their employer the right to self-isolation? If so, under what conditions?

Yes, but each request is a case in point.

According to the authorities, employees aged 70 and over are more likely to suffer serious consequences if they catch the coronavirus.

If teleworking is possible, this alternative must be favored by the employer and the employee.

However, if teleworking is refused by the employer or if the employer refuses the employee's request to stay at home, they could exercise their right of refusal in such circumstances.

[27] https://www.quebec.ca/en/health/health-issues/a-z/2019-coronavirus/answers-questions-coronavirus-covid19/

TRAVEL AND VACATIONS

In the event that an employee, not covered by the various departmental directives, goes on a trip in the coming weeks, and this, despite the recommendations of the various levels of government, will they be paid during the period of isolation when they return home?

Persons who take the risk of going abroad, despite governmental directives to avoid non-essential travel, accept the risk of not being paid. Some employers have already started to draw up guidelines relating to the absence of remuneration during the period of isolation after returning from a planned trip. Furthermore, even in the absence of directives for employees, those who currently choose to go on a trip decide to do so by ignoring the public health directives issued by the two levels of government. They are also aware of the consequences of doing so, namely a 14-day isolation. We are of the opinion that, in view of these particular circumstances, the employer is under no obligation to guarantee the remuneration of its personnel in such circumstances. However, it will still be possible for the employee, upon agreement, to use his vacation leave or other leaves provided for in the collective agreement.

At the present time, the crucial question is whether people will be able to return to the country. Therefore, everyone must comply with governmental recommendations to return home as quickly as possible and avoid all non-essential travel abroad.

Many countries have started to close their borders to foreigners. Canada made this decision on March 16, 2020. Borders are now closed for all non-essential travel. The border with the United States has also been closed as of March 18, 2020. The only workers now able to cross the border are those transporting goods.

Also, all non-essential travel made outside of Canada should be avoided according to Canadian authorities since Friday, March 13, 2020, until further notice.

The federal government has not clearly defined what an essential trip is. However, it is certain that the fact that a trip is not reimbursed by your insurance is not a factor in assessing the essential nature of this trip. In other words, deciding to go on a trip because you would suffer a financial loss (plane ticket, hotel reservation, etc) is not a valid reason to consider the trip as essential.

Any pleasure trip and any trip planned to visit family abroad is not an essential trip. However, trips taken by truckers transporting goods between the United States and Canada are essential trips.[28]

[28] https://quebec.huffingtonpost.ca/entry/avis-voyage-non-essentiels-gouvernement-canada_qc_5e6ceb02c5b6747ef11de1ab

The federal government also urged Canadian citizens to avoid all cruise travel. This invitation was transformed on March 13, 2020, into a more coercive measure, since from now on, and until July 1, 2020, no cruise ship will be able to call on Canadian coasts. For trips to the Arctic, this measure will last for the entire year 2020.[29]

Finally, if the person is stuck in a foreign country on the grounds of an imposed period of isolation or quarantine or of border closings, it will be impossible to recover the remuneration lost for this period.

In summary, it is each individual's responsibility to follow governmental travel recommendations. This social responsibility requires that all non-essential trips be canceled and citizens return to the country as quickly as possible.

Insurance companies and COVID-19

Many insurance companies are reassessing their travel insurance coverage due to the COVID-19 pandemic.[30]

For its part, the SSQ insurance company has established clear measures for anyone who does not comply with the directives issued by the various levels of government. According to their website, all travelers must take the necessary measures to return to the country before March 27, 2020, at the latest. If the traveler neglects to take these measures and stays abroad, they will no longer be covered for any reimbursement in the event of a trip interruption and all medical expenses incurred due to illness, whether COVID-19 or any other illness, will no longer be covered.[31]

Also, any trip booked after March 13, 2020 will not be refunded in the event of cancellation. On the other hand, if a person decides to go on a trip in the next few days or weeks, no coverage will be offered by SSQ, as long as the federal government directive to avoid all non-essential travel is in effect.[32]

Manulife and TUGO insurance companies also considerer COVID-19 to be a known phenomenon, so there will be no reimbursement for trips that were booked after March 11, 2020.[33]

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[29] https://ici.radio-canada.ca/nouvelle/1663604/trudeau-approche-commune-provinces-coronavirus-canada
[30] https://quebec.huffingtonpost.ca/entry/avis-voyage-non-essentiels-gouvernement-canada_qc_5e6ceb02c5b6747ef11de1ab
[31] https://ssq.ca/en/coronavirus
[32] https://ssq.ca/en/coronavirus
[33] https://quebec.huffingtonpost.ca/entry/avis-voyage-non-essentiels-gouvernement-canada_qc_5e6ceb02c5b6747ef11de1ab

Can an employee postpone their vacation?

This question is covered by the clauses of collective agreements concerning the taking of vacation. It is therefore necessary to read them carefully to obtain the appropriate answer.

If the clauses of the collective agreement do not provide for the postponement of vacation for employees, the negotiation of a letter of agreement between an employer and the union can be a way of managing the situation.

If the employer refuses the postponement of vacation, will the period of isolation be paid?

Insofar as the employer refuses to postpone the vacation and authorizes the trip, the maintenance of the remuneration during the isolation period must be discussed with the employer.

However, that does not eliminate the risk of being stuck abroad due to the pandemic.

Is there an obligation imposed on the employee to disclose to their employer that they are returning from a trip outside Canada?

Considering the circumstances and the risks to public health, as well as those related to health and safety at work, an employer is justified in imposing on his personnel the obligation to disclose the fact that he has stayed abroad in the last 14 days.

The directives of the various departments are also to that effect.

CLOSURE/ DISCONTINUATION OF BUSINESS / INDIVIDUAL LAYOFFS

By business closure, we mean the closure or partial or complete cessation of the company's services.

What are the rights and recourses of the employee in the event of cessation of the company's activities?

My rights under the ARLS and the CLC.

First, it is necessary to verify whether the collective agreement provides for notice of layoff or the payment of compensation in the event of the closure or cessation of activities. If this is the case, check whether the collective agreement provides for the non-application of these clauses in the event of force majeure.

The ARSL and the CLC also provide for notices of mass lay-offs. Section 82 of the ARLS provides that an employer must give written notice to an employee before terminating his contract of employment or laying him off for six months or more.

Section 230 (1) of the CLC provides that for a business under federal jurisdiction, an employer who intends to terminate the employment of an employee, must give the employee notice in writing, at least two weeks before the date specified in the notice, or in lieu of the notice, two weeks wages at his regular rate of wages for his regular hours of work, except where the termination is by way of dismissal for just cause.

The employee must have completed three consecutive months of continuous employment with the same employer for these provisions to apply.

Finally, section 79.5 of the ARLS stipulates: “If the employer makes dismissals or layoffs that would have included the employee had the employee remained at work, the employee retains the same rights with respect to a return to work as the employees who were dismissed or laid off.”

My rights in regards to employment insurance benefits

It is possible to apply for **employment insurance benefits** following the closure of a business.

For the moment, we have not seen any measures taken by the government to remove the waiting period for these benefits.

Additional measures have also been introduced to the **work-sharing program**. Work-Sharing is a three-party agreement involving employers, employees and Service Canada. The purpose of this program is to assist employees who have been laid off due to an economic slowdown beyond the control of the employer.

The government has implemented special measures that will apply during the course of the next year for employers affected by COVID-19:

- the government has doubled the maximum duration of the agreements, from 38 to 76 weeks;

- the government has eased the requirements regarding the mandatory recovery plan;

- the government has waived the mandatory waiting period so that employers with a recently expired agreement may immediately apply for a new agreement, without waiting between applications.

These measures provide financial support to employees who are eligible for employment insurance benefits and whose weekly hours have been temporarily reduced.

Special departmental measures to be announced

The Gouvernement du Québec announced on March 12, 2020, that financial support measures would be made available in order to offer financial support for businesses.

At this time, we have no additional information regarding these measures.

GOVERNMENT SUPPORT PROGRAMS

Temporary Aid for Workers Program (PATT COVID-19) (provincial program)

This program is implemented by the Gouvernement du Québec to provide temporary financial assistance to adult workers (aged 18 and over) in isolation to counter the spread of the COVID-19 virus.

It is intended to offer financial assistance to workers who cannot earn all of their work income and are not eligible for another governmental financial assistance program.

Who is eligible to PATT COVID-19?

This program is for workers aged 18 and over who reside in Québec and:

- have contracted the virus or present symptoms;
- have been in contact with an infected person;
- have returned from abroad.

Who is not eligible to PATT COVID-19?

Are not eligible to PATT COVID-19 workers who:

- are receiving compensation from their employer
- are covered by a private insurance;
- are covered by another government financial assistance program, such as employment insurance.

What is the amount of this financial assistance?

The amount granted to an eligible person is $573 per week, for a period of 14 days of isolation. If justified by your state of health, the coverage period for an eligible person could be extended to a maximum of 28 days.

When does the financial assistance end?

- when the financial assistance has been paid in full
- if you have not respected one of the imposed obligations.

What are the obligations for the worker?

- complete the form which will be available as of March 19, 2020, on our website https://www.quebec.ca/en/health/health-issues/a-z/2019-coronavirus/
- send the form to the Red Cross which will be responsible for the administration of PATT COVID-19, the details of which will be specified on the form;
- inform the Red Cross of any change of situation that could affect their eligibility to PATT COVID-19.

Is the financial assistance taxable?

No.

When will the benefits start being paid?

Within 48 hours of receipt of the duly completed form, if the eligibility conditions are met.

How will benefits be paid?

By bank transfer.

Information based on updated data available on March 17, 2020 at 4:00 p.m.

Emergency Care Benefit (federal program)

For who?

- Those who do not have access to employment insurance.

What are the eligibility criteria?

- Those who are in isolation;
- Those who return from travel and who are placed in self-isolation;
- Those infected with the COVID-19 virus;
- Those who have to take care of a family member who is sick with COVID-19.

Do I need a medical certificate?

- No.

Will I have a one week waiting period?

- No, as for employment insurance, the waiting period has been waived.

What is the amount of the benefit?

- The amount is $900 per 2 weeks.

Deadline for payment of benefit?

- Same deadlines (as stated) as those of employment insurance;
- The program will be implemented at the beginning of April 2020.

When will the emergency care benefit end?

- After a maximum duration of 15 weeks.

How can I have access to this benefit?

- By filling out an application, details to come ...

Can this emergency benefit be combined with the PATT COVID-19 announced by the Gouvernement du Québec?

- We believe not, but no information is yet available on this subject.

This information was collected based on data available as of March 18, 2020 at 11:10 a.m.

Emergency support benefit (federal program):

For who?

- Those who do not have access to employment insurance.

What are the eligibility criteria?

- Having lost your job;
- Being a part-time worker;
- Being self-employed;
- Either one of these cases.

Is there a waiting period?

- No.

What is the amount of the benefit?

- Comparable to that of employment insurance;
- Maximum insurable amount (EI) $54,200/year;
- Maximum allowance (EI) $573/week.

Deadline for payment of benefit?

- Same deadlines (as stated) as those of employment insurance;
- The program will be implemented at the beginning of April 2020.

When will the emergency support benefit end?

- At the end of a maximum period of 14 weeks.

How can I register for this benefit?

- By filling out a form, details to come ...

Can this emergency benefit be combined with the PATT COVID-19 announced by the Gouvernement du Québec?

- We believe not, but no information is yet available on this subject;

This information was collected based on data available as of March 18, 2020 at 11:10 a.m.

VARIOUS QUESTIONS

Gatherings and meetings

The Gouvernement du Québec is asking that as of March 12, 2020, and for a 30-day period, all indoor gatherings of more than 250 people be cancelled.

The same rule applies to all unnecessary gatherings and meetings.

In the context of a pandemic, can employees be required to work mandatory overtime?

As a general rule, after forty (40) hours of work, the employer is legally obliged to pay overtime. Despite the above, collective agreements may provide for different provisions. Overtime is normally granted through an internal procedure, most often on a voluntary basis.

However, in the context of a pandemic, if the internal procedure did not allow overtime to be granted on a voluntary basis, it could be imposed by the employer.

Note that the ARLS sets the limit for the number of hours worked after which an employee can refuse to work overtime. Section 59.0.1 does not prevent the employer from requesting the services of an employee beyond this standard.

> **59.0.1.** An employee may refuse to work:
>
> (1) more than two hours after regular daily working hours or more than 14 working hours per 24 hour period, whichever period is the shortest or, for an employee whose daily working hours are flexible or non-continuous, more than 12 working hours per 24 hour period;
>
> (2) subject to section 53, more than 50 working hours per week or, for an employee working in an isolated area or carrying out work in the James Bay territory, more than 60 working hours per week;
>
> (3) if he was not informed at least five days in advance that he would be required to work, unless the nature of his duties requires him to remain available, he is a farm worker, or his services are required within the limits set out in subparagraph (1).
>
> **This section does not apply where there is a danger to the life, health or safety of employees or the population**, where there is a risk of destruction or serious deterioration of movable or immovable property or in any other case of superior force, **or if the refusal is inconsistent with the employee's professional code of ethics**. (emphasis added)

It is important to note that in the context of a pandemic, this section may not be applicable. If the analysis of the situation, in light of the facts and the nature of the business, reveals a real danger to the life, health or safety of workers or the population, the employee may not refuse overtime, even beyond these thresholds.

However, jurisprudence has recognized that an employer cannot exercise his right of management abusively or unreasonably.

Also, it is provided for in section 122 (6) of the ARLS that an employee may not be suspended or dismissed for refusing to work beyond their usual hours, if their presence was necessary to fulfill obligations related to the care, health or education of their child. However, this implies that the employee has taken the reasonable means at their disposal to assume their obligations otherwise.

The CLC substantially embodies these same principles. In fact, section 174.1 provides exceptions to the employee's right to refuse to work overtime:

Right to refuse

174.1 (1) Subject to subsections (2) and (3), an employee may refuse to work the overtime requested by the employer in order to carry out the employee's family responsibilities referred to in paragraph 206.6(1) (b) or (c).

Reasonable steps

(2) An employee may refuse to work overtime only if:

- **(a)** they have taken reasonable steps to carry out their family responsibility by other means, so as to enable them to work overtime; and
- **(b)** even though the steps referred to in paragraph (a) have been taken, they are still required to carry out that responsibility during the period of the overtime.

Exceptions

(3) <u>An employee is not to refuse to work overtime if it is necessary for them to work overtime to deal with a situation that the employer could not have reasonably foreseen and that presents or could reasonably be expected to present an imminent or serious:</u>

- **(a) <u>threat to the life, health or safety of any person</u>**;
- **(b)** threat of damage to or loss of property; or
- **(c) <u>threat of serious interference with the ordinary working of the employer's industrial establishment</u>.**

Prohibition

(4) An employer shall not dismiss, suspend, lay off, demote or discipline an employee because the employee has refused to work overtime under subsection (1) or take such a refusal into account in any decision to promote or train the employee.

Thus, the pandemic context could force, for example, correctional officers to work overtime, both for safety reasons and because of the threat of serious interference with the normal functioning of the institution. (emphasis added)

HEALTH AND SAFETY

Do I have the right to refuse to work because of COVID-19?

Yes, it is possible. (section 12, AOHS).

The worker must have reasonable grounds to believe that the performance of that work would expose him to an imminent danger. During the refusal to work, the salary is maintained. However, you must remain available to perform other tasks at the request of the employer.

I am infected with COVID-19, but I feel able to work. Can my employer force me to be off work?

Yes, since they must ensure the health, safety and integrity of your colleagues.

Can I request that my employer provide me with "Purell" (disinfectant solution)?

Yes (section 51, AOHS).
Your employer must implement the necessary hygiene measures that correspond to a given situation. As it is recommended that hands be washed regularly, it should be allowed.

Is my employer obliged to inform me of the risks to my health?

Yes (section 51, (1) [9], AOHS).

The employer has a duty to adequately inform workers of the risks associated with the job.

A worker does not respect the protection measures put in place. Are there any consequences?

Yes. Workers have obligations (section 49, AOHS).
Failure to follow the instructions can lead to disciplinary measures, especially in a crisis such as the current situation.

Can COVID-19 be a danger allowing protective re-assignment for pregnant workers?

Yes, according to the usual procedures.

If I contract COVID-19 at work, can I file a claim with the CNESST?

Yes, it's possible.

You have to clearly identify how you came into contact with an infected person. However, the more the number of infected people increases in all spheres of the population, the more difficult recognition could become.

If a vaccine for COVID-19 becomes available, do I have to receive it if my employer requires it?

Yes. As long as the Order in Council adopted by the Gouvernement du Québec that declares a health emergency throughout Québec's territory remains in force, since it gives broad discretionary powers to the Minister of health and social services.