

## COVID-19 Update – Omicron Surge

### January 6th, 2022

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Over the past weeks, there has been an increase in the number of positive COVID-19 cases, as well as a growing level of concern regarding the Omicron variant. This bulletin seeks to provide further information regarding the Omicron surge we are currently facing, the impact it may have on your business, and key considerations that should be undertaken as we persevere through this challenging time.

#### **AS OF JANUARY 6, 2022:**

*This bulletin is current to the morning of **January 6, 2022**. Please note that while we continue to monitor the situation, the circumstances remain fluid as legislative and government rules and policies are ever-changing. The responses of federal and provincial governments will continue to evolve and may impact the accuracy of the information in this bulletin. Furthermore, the information contained hereinunder is subject to revision with the introduction of new or additional government guidelines.*

#### COVID-19 Updates

Record breaking numbers of COVID-19 cases are being reported across the country due to the introduction and spread of the highly transmissible Omicron variant. Although some studies have suggested the Omicron variant is less deadly than some of its predecessors, the huge numbers of people testing positive mean that hospitals may soon become overwhelmed, and businesses might struggle to carry on operations due to workers having to quarantine.

With the increase in the number of people contracting COVID-19, we will see high rates of absenteeism across all industries. It is extremely important that businesses look to develop contingency plans in order to ensure the ability to carry on operations, as it can be expected that up to 30% of the workforce may be absent during this wave.

Also of note, the Ontario and BC provincial governments have adapted the isolation requirements for vaccinated individuals. In some situations, the isolation period may be as few as 5 days. Isolation requirements vary based on vaccination status, the persistence and/or improvement of symptoms and the degree to which the individual is immune compromised. Because isolation will differ in various cases, the best tool for individuals to understand whether they should be isolating and for how long, is the self-assessment tools provided by your local Public Health Authority. For a full list of tools from each province visit <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/symptoms/provincial-territorial-resources-covid-19.html> .

#### British Columbia Overview

- At this time, the Chief Public Health Officer, Bonnie Henry, has noted that they are not currently implementing mandated orders, but instead highlight the importance for Employers to take it upon themselves to implement COVID risk mitigation and contingency plans in place to ensure the continuation of operations.

- The BC government has pushed the return to school for most students to Jan. 10 to allow more time for health and safety planning.
- Bonnie Henry noted that the government is currently working with WorkSafe BC to ensure workers are protected within their workplace.
- As self-isolation requirements have changed, individuals are encouraged to utilize the [BC COVID-19 Self-Assessment Tool](#) for guidance regarding next steps for their specific situation.

### *Ontario Overview*

- The Ontario Government has announced that the province will be returning to a [modified Step 2 of the Reopening Plan](#). The new measures include, but are not limited to:
  - Social gatherings limited to five people indoors and 10 people outdoors;
  - Organized public events limited to five people indoors;
  - Businesses and organizations required to ensure employees work remotely unless the nature of their work requires on-site;
  - Indoor dining at restaurants, bars and other similar establishments is closed. Outdoor dining with restrictions, takeout, drive-through and delivery are allowed;
  - Retail stores limited to 50 per cent capacity. Shopping malls will require physical distancing in lineups and food courts will be closed; and
  - Indoor meeting and event spaces are closed with limited exceptions.
- Schools will remain closed with students switched to remote learning starting on Jan. 5 until at least Jan. 17.
- The Ontario government has introduced the new [Ontario Business Costs Rebate Program](#) to support many of the businesses that are most impacted by public health measures in response to the Omicron variant.
- Currently in Ontario, due to the supply shortage of PCR tests, there is new criteria for testing:
  - PCR tests are prioritized for individuals with underlying risk factors and/or in high risk settings;
  - Rapid antigen tests are available for people with lower risk;
  - Positive rapid antigen tests do not need a confirmatory PCR test; and
  - Regardless of eligibility or accessibility of testing, symptomatic individuals are required to fulfill the self-isolation.
- As self-isolation and testing requirements have changed, individuals are encouraged to utilize the Ontario [COVID-19 self-assessment](#) for guidance regarding next steps for their specific situation.

### What should businesses be doing now?

The BC and Ontario Governments have prompted business leaders to prepare for the impact of the Omicron surge, and the increase in worker absences, on their operations. Employers should be working to develop contingency plans as it is anticipated that as much as a third of the workforce may become ill with COVID-19. Preventative measures should be implemented to the greatest degree possible, by revisiting and reestablishing both COVID-19 safety plans and worker isolation policies. Now is the time to proactively prepare and implement the layers of prevention available to ensure operational continuity, despite absences.

### *COVID-19 Safety Plans*

As we have learned over the course of the pandemic, the prevention and risk mitigation of COVID-19 infection and spread is focussed on a layered approach. Each layer of protection is important, as no layer of protection is 100% effective on its own.

Employers should focus on activating all layers of prevention available for implementation to keep businesses operating despite increased absenteeism. This approach involves both preventative planning and contingency planning.

### *Preventative Measures*

- One of the most effective preventative measures for workplaces is to ensure all workers (that are able to) work remotely and do not come to the workplace.
- Ensure you are providing an appropriate amount of space for workers and customers.
  - Facilitate this by:
    - Reminding and reinforcing space requirements (at least 6ft).
    - Staggering start times and breaks.
    - Implementing capacity limits.
- Ventilate the workplace as best as possible to increase the circulation of fresh air.
- Implement protective barriers wherever possible.
- Implement appropriate PPE protocols
  - Use of three-layer masks is recommended
- Ensure there is time and resources available for frequent hand hygiene throughout the workplace.
- Do not attend gatherings, no matter how small.
- Do not go to work if you have symptoms.
- If available, employers should review the sector specific preventative measures applicable to their industry.
  - <https://www.ontario.ca/page/covid-19-workplace-health-safety>
  - <http://www.bccdc.ca/health-info/diseases-conditions/covid-19/employers-businesses>

### *Contingency Plan Considerations*

- Take account of the skills your workers have, and identify who can step in to fill roles, if required.
- Cross-train employees.
  - Consider what positions and/or skills are critical to business continuity and competitive advantage.
- Plan for various scenarios and stages.
  - If your business has 10% of staff absent? 30% of staff absent?
  - What specific skills are required onsite? Who may be able to back fill?
- Voluntary vaccine disclosure.
  - Declaration of vaccine status can help in assessing the risk within your workplace.

### Vaccination and the Workplace

It has been reported that COVID-19 vaccines are expected to protect against severe illness, hospitalizations, and deaths due to infection with the Omicron variant. However, breakthrough infections in people who are fully vaccinated are likely to occur. With other variants, like Delta, vaccines have remained effective at preventing severe illness, hospitalizations, and death. The recent emergence of Omicron further emphasizes the importance of vaccination and boosters.

It is strongly encouraged that Employers support and promote their employees in getting vaccinated to better protect themselves, as well as their coworkers, families and the community.

### *Is a vaccination policy right for your workplace?*

When contemplating whether a vaccination policy is right for your organization, there are many factors to consider including balancing employee privacy, risk mitigation, and workforce planning. There are varying degrees of vaccination policies that may be considered including vaccine encouragement, vaccination status disclosure (voluntary or required), and a vaccination mandate. Mandating vaccines within the workplace is a delicate and complex matter. At this time, this approach is typically reserved for work environments in which it is not possible to implement other preventative measures or for workplaces that are in contact with a vulnerable population.

A voluntary vaccination disclosure policy may be considered for individuals that are reporting into the workplace so that employers are able to understand, mitigate and plan for the degree of risk within their workplace.

In all cases, careful consideration should be made before implementing a vaccination policy, including:

- the nature of your work,
- the workplace,
- available risk mitigation measures, and
- protecting the privacy of your workers.

### Employees Requiring Time-off - Leaves and Benefits

Workers have a variety of supports available to them through the federal and provincial governments. Below we have provided examples of the available supports, however this is not an exhaustive list. Please see the Helpful Resources list below for a full overview of supports.

#### *Ontario*

The Ontario ESA provides workers with two infectious disease emergency leaves relating to COVID-19.

- Paid infectious disease emergency leave
  - Employees may be eligible for up to **3 days** of paid infectious disease emergency leave. Paid infectious disease emergency leave is available for certain reasons related to COVID-19, including getting vaccinated.
- Unpaid infectious disease emergency leave
  - There is no specified limit to the number of days an employee can be on unpaid infectious disease emergency leave.

#### *British Columbia*

The BC ESA now provides paid and unpaid sick days, 3 hours of paid leave for individuals to be vaccinated, and unpaid COVID-19 leave.

- Paid and Unpaid Sick Days
  - As of January 1, 2022, the BC ESA provides worker with **5 paid sick days** which will be in addition to the **3 days of unpaid** sick leave previously provided by the Employment Standards Act, which provides up to 3 days of unpaid, job-protected leave each year to workers that can't work due to personal illness or injury.

- Job-protected leave for workers to get COVID-19 vaccine
  - o Employees can take up to **3 hours of paid leave** to be vaccinated against COVID-19. If necessary, they can take additional paid leave for additional doses.
- An employee can take [unpaid, job-protected leave related to COVID-19](#) if they're unable to work for one of the listed reasons, related to COVID-19.

### *Federal*

The federal government has provided a great resource for individuals to find the federal supports available to them in accordance with their specific situation: <https://covid-benefits.alpha.canada.ca/en/start>

### *Helpful Resources*

There are many supports available to workers within each province. To find the support relevant to the specific industry and province of you or your employees, please see the resource pages below.

- [Federal Supports](#)
- [Alberta](#)
- [British Columbia](#)
- [Ontario](#)
- [Quebec](#)

*Please note that this information bulletin is current to **January 6, 2022**. As this situation is evolving, we urge you to remain informed to the greatest extent you can. To understand how the information contained in this bulletin might apply in the context of your particular business or operation, please do not hesitate to contact us.*

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