

大成 DENTONS

Title

NOVEMBER 00, 2020 | 00:00 PM TO 0:00 PM EST

Work Refusals in the Era of COVID-19

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Work Refusals in the Era of COVID-19

- Four areas of law:
 - *Occupational Health and Safety Act*
 - *Employment Standards Act*
 - *Human Rights Code*
 - Public health guidance / *Reopening Ontario Act*

Occupational Health and Safety Act

- OHS work refusal provisions

Public Health Guidance – Reopening Ontario Act

- Refusal to work in employer's office / facility
 - Is a worker entitled to work from home if feasible?
 - Does employee require medical justification?

Human Rights Code

- Mental disability, such as anxiety disorder
- Family status

Recommendations

- Consider all four statutes
- Is work refusal only a matter of preference or fear?
- Consider risk of inspector scrutinizing all of your COVID-19 protocols
- Consider employee morale issues
- Firm, confident approach often advisable

Thank you



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