

Multi-Res Best Practices- Planning For And Responding To COVID-19

March 2020

In view of the inquiries we have been receiving at the office, we have issued the Bulletin below which is targeted for Multi-Res and Commercial Landlords. Hopefully it is of some assistance to you in the course of managing the COVID-19 (coronavirus) scare.

RECOMMENDATIONS

Generally, if there is a presumed or confirmed case of COVID-19 in your building, it is recommended that you contact your Insurer and follow any direction given from it; furthermore, as it is most likely that medical direction will be given by local health officials, follow that direction.

Since landlords have a legal “duty of care” to tenants, it is important that Notice be posted at building entrances, common area Notice Boards and common areas generally to advise of the situation and of the information set out in sections 1 and 2 below.

Health Canada, the World Health Organization, and the American Centre for Disease Control have made a number of recommendations to aid the public in preventing and addressing the spread of COVID-19. Many of these recommendations are applicable to owners of multi-residential or commercial properties faced with reports that a tenant, employee, or visitor to their property has been diagnosed with a suspected case of COVID-19.

In particular, these public health organizations have provided guidance on:

1. How to provide notice of suspected cases of COVID-19
2. Steps owners and employers can take to mitigate the spread of the virus
3. Implementing an Infectious Disease Business Continuation Plan

1. Notice to Residents, Employees and Visitors

1. If an employee or resident is confirmed to have COVID-19, employers should inform fellow employees and residents of their possible exposure to COVID-19, but maintain confidentiality as required by the *Personal Information and Protection and Electronic Documents Act*[1]
2. Instruct all residents and employees to self-isolate and contact their primary healthcare provider if they have a fever, respiratory symptoms, or believe they

are sick. Self-isolating individuals should avoid having visitors to their home and avoid any contact with immune compromised individuals and older adults. They should remain in their residence until instructed otherwise by their healthcare provider.[2]

3. Instruct residents and staff that in general, the following can help reduce the risk of infection or spreading infection to others:

1. Wash you hand often, for at least 20 seconds

2. Avoid touching your eyes, nose, or mouth with unwashed hands

3. When coughing or sneezing:

- i. Cover your mouth and nose with your arm or tissues to reduce the spread of germs

- ii. Immediately dispose of any tissues you have used into the garbage as soon as possible and wash your hands afterwards[3]

- Refer residents to their local health unit, Health Canada, and the World Health Organization websites for up-to-date protocols.
- Help counter stigma and address any staff or resident negative behaviours, including negative statements about race and COVID-19.[4]
- Infographics on preventing the spread of the virus may be displayed in common areas, example of these can be found at: <https://www.ccohs.ca/outbreaks/>

2. Steps to Mitigate Spread of the Virus

Common Areas

1. Practice routine cleaning of frequently touched surfaces including: doorknobs, light switches, elevators, windows, and common areas furniture (tables, chairs, electronics).[5]
2. If surfaces are dirty, they should be cleaned using a detergent or soap and water prior to disinfectant.[6]
3. Ensure that the disinfectant you are using to clean common areas is effective against COVID-19. If the product's label does not have a broad spectrum claim, consider switching clean products. Canada has not yet compiled at list of cleaning products effective against COVID-19. However, the Centre for Disease Control (USA) has provided a list of common disinfectants that have been pre-approved as effective against COVID-19.[7] Among these disinfectants are a number of Clorox, Lysol, and Purell products. The full list of products may be found at: <https://www.americanchemistry.com/Novel-Coronavirus-Fighting-Products-List.pdf>
4. Follow the manufacturer's instructions for all cleaning and disinfectant products (concentration, application method, contact time, and use of personal protective

equipment). This will ensure that the products are effective and staff are safe when using.[8]

5. If there are common area bathrooms or visitors bathrooms, ensure that they are adequately supplied with soap, water, and drying materials.[9]
6. Provide alcohol-based sanitizer with at least 60% alcohol for use in common areas.[10] Considering placing the sanitizer near entrances and exits of the building, in common areas, and near stairs and elevators.
7. Considering providing disposable wipes so residents may wipe down commonly used surfaces after use.[11]
8. Display notices detailing proper handwashing. Health Canada's recommendations can be found at: <https://www.canada.ca/en/healthcanada/services/healthy-living/your-health/diseases/benefits-handwashing.html>
9. Consider whether access to common areas should be restricted. Consider whether the current risk of spread of infection warrants restricting the use of community rooms and fitness rooms. Decisions to restrict access should be made on a case-by-case basis considering the risk of spread of infection.
10. Advise residents using laundry rooms to wash laundry thoroughly and clean the laundry room frequently. Clothes and bedding should be immediately removed from machines once the washing and drying process is complete. Encourage residents to wash and dry their clothing using the warmest temperatures recommended on the fabric label.[12]

Staff

1. Emphasize staying at home when sick, instruct employees to refrain from coming into work especially if they are experiencing respiratory symptoms and/or fever.
2. Do not require a healthcare provider's note to validate an employee's claim that they are ill with an acute respiratory illness. To prevent potential spread of the virus, those who are sick are encouraged to stay home and contact their healthcare provider via telephone.

3. Considerations for Creating an Infectious Disease Business Continuity Plan

An Infectious Disease Business Continuity Plan addresses how your business will continue to function in the event that a large number of employees are unable to report to work due to illness. It is different from an ordinary business continuity plan in that most business continuity plans assume that people will be able to report to work to address problems with the building, equipment, products, or services.[13]

1. Identify and train "back ups" for essential (or all) functions.
2. Consider how you will continue to provide services if your service providers are unable to continue their work for you.
 1. Can employees perform these services on an as-needed basis?
 2. Do you have back-up service providers?

3. Research business commitments: Consider possible contractual or legal implications for non-performance of functions and determine how you will address these commitments in the wake of a staff shortage due to illness.
4. Ensure everyone knows who is next in line for management/decision making should someone not be available due to illness. The alternatives must be trained to fulfill their roles.
5. Prepare for how you will address the media in the event of an outbreak at your business and consider whether you will need to contact insurers or clients in the event of an outbreak.
6. When developing your plan, seek input from employees and other individuals in your organization.
7. Incorporate reference to the preventative measures your business has taken to prevent outbreak.[14]

If you have any questions, please do not hesitate to contact Joe Hoffer at

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[1]S.C. 2000, c.5.

[2] Health Canada, “Coronavirus disease (COVID-19): Prevention and risks” (March 4, 2020) <

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

[3]*Ibid.*

[4]World Health Organization, “Getting your workplace ready for COVID-19,” (February 27, 2020) <

<https://www.who.int/docs/default-source/coronaviruse/getting-workplace-ready-for-covid-19.pdf>

[5] Centers for Disease Control and Prevention, “Recommended Precautions for Preventing Spread of

COVID-19 in Election Polling Locations, including Cleaning and Disinfection” (March 3, 2020)

< <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html>>.

[6] Centres for Disease Control and Prevention, “Interim Environmental Cleaning and Disinfection

Recommendations for U.S. Households with Suspected or Confirmed Coronavirus Disease 2019

(COVID-19)” (March 3, 2020) <https://www.cdc.gov/coronavirus/2019-ncov/community/home/cleaningdisinfection.html>

[7] Centre of Biocide Chemistries, “Novel Coronavirus (COVID-19) – Fighting Products” (March 3, 2020)

<https://www.americanchemistry.com/novel-coronavirus-fighting-products-list.pdf>

[8] *Supra* note 1.

[9] *Ibid.*

[10] *Ibid.*

[11] Centre for Disease Control and Prevention, “Interim Guidance for Business and Employers to Plan

and Respond to Coronavirus Disease 2019 (COVID-19), February 2020 (February 26, 2020)

<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-business-response.html>

[12]Centre for Disease Control and Prevention, “Interim Guidance for Preventing the Spread of

Coronavirus Disease 2019 (COVID-19) in Homes and Residential Communities” (February 14, 2020)

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-prevent-spread.html>

[13]Canadian Centre for Occupational Health and Safety, “Business Continuity Plan – Infectious

Diseases” (March 6, 2020) [https://www.ccohs.ca/products/publications/busn cont/](https://www.ccohs.ca/products/publications/busn_cont/)

[14]*Ibid.*