

April 7, 2020

Mr. Duncan Williams  
134 Eileen Stubbs Ave., Unit 103  
Dartmouth, N.S. B3B 0A9

Dear Mr. Williams:

I am pleased to provide a response from Dr. Strang's Public Health team and my team at LAE as noted below:

We have reviewed the Construction Sector's correspondence indicating how it will maintain the appropriate level of protection for its workers with respect to the hazards posed by COVID-19 and Orders issued by the Medical Officer of Health for Nova Scotia.

We confirm that the guiding document you have provided for use in the construction sector is accepted in principle with several items that will need to be addressed.

Every workplace should complete a hazard assessment and evaluate the overall workplace as well as individual activities and potential for exposure of workers within the workplace to reflect the situational differences that can occur from one worksite or activity to another. This should include reviewing already established safe work procedures to identify work that may need to be altered due to increased potential for the spread of COVID-19. Along with reviewing established procedures, a review of other jobs/tasks/situations that have potential for the spread of COVID-19 would be required on an ongoing basis. There is a guidance document on the government website that can provide some help at <https://novascotia.ca/coronavirus/working-during-covid-19/>.

To be clear, construction does not fall within the exemptions found in clause 4 of the Chief Medical Officer's Order and is expected to adhere to the other provisions of the Order. It is recognized that there may be unique situations where no alternate work methods may exist, and the work may only be safely performed by having employees closer than two metres apart. Regardless, employees must practice social distancing of two metres (six feet) as best as they can. A priority for the industry would be to identify or classify which jobs/duties it is not possible to maintain the two-metre social distancing required by the Medical Officer of Health's Order. In such situations, it needs to be clear on how the decision is made to determine what work absolutely requires two or more people to work within two metres of each other. For example, the work is required because another significant safety risk must be dealt with and no other option is available. Even in these instances, steps will still be needed to be taken to avoid the potential spread of COVID-19.

*In Reply Please Quote Our File Number:*

In general, the use of PPE should be considered the last option with justification that other controls were not possible. If it is to be used, then it must be supported by a safe work practice that speaks to care and use that reflects COVID-19. I would use the term 'safe work practice' to avoid confusion with a Code of Practice as that is a specific regulatory tool under the OHS Act regulations.

This is an evolving situation that may require further adjustment in work practices as we collectively manage our work and our lives through this serious issue.

The construction sector relies on all types and sizes of business. Not all businesses have the same resources and maturity to understand the situation and effectively implement controls. Those that can are urged to help those less able and we trust you will ensure this information is shared with others, including small businesses, and that assistance will be provided.

Please ensure this is shared broadly across your sector. Should you need anything further, please feel free to contact Christine Penney, Senior Executive Director for the Safety Branch at the Department of Labour and Advanced Education, anytime.

Yours truly,



Duff Montgomerie  
Deputy Minister  
Department of Labour and Advanced Education