



March 16, 2020

COVID-19 UPDATE

Like you, we at CLR are sifting through a lot of information with respect to developments arising from the COVID-19 situation. No doubt you are being asked for updates in terms of how your company will be handling various scenarios should they arise. CLR strongly suggests that each of you seek legal and healthcare advice from the experts as required. That is advice that our staff simply are not qualified to give. Below are links to some helpful and informative government of BC and Health Canada websites as well as a link to the news page of our legal counsel where some very useful information for employers is being posted. Given the announcements from the Premier and Prime Minister today, keeping yourself informed through the appropriate government news media is important.

BC Centre for Disease Control: <http://www.bccdc.ca/>

Healthlink BC: <https://www.healthlinkbc.ca/>

WorkSafeBC: <https://www.worksafebc.com/en/about-us/news-events/announcements/2020/March/covid-19-and-the-workplace>

Harris & Co: <http://harrisco.com/news/>

Government of Canada Public Health: <https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19.html>

CLR staff remain ready to respond to any questions or concerns you may have with respect to labour relations and the application of the collective agreements on a case by case basis. Much will be evolving in the coming weeks and we will do our best to support our members through these difficult times.

We sent out information to our membership last week and we will continue to share pertinent information as we learn it. In addition to seeking help from legal and healthcare experts, we would like to recommend that you take measures to encourage social distancing on job sites and limit gathering of large groups. Here are a few ideas to consider:

- Job site meetings can still be held, but perhaps in smaller groups which are appropriate for the space available to allow for proper distance between employees.
- Consider staggering lunch breaks so potential exposure in lunch rooms is limited to smaller groups.
- Where possible add additional washing stations and hand sanitizers and ensure the ones you have are available in convenient locations so that access is easier.
- Discourage the shaking of hands. It may feel strange, but elbow bumps or no contact at all is becoming the norm.
- Keep 1-2 meters distance between yourself and anyone you are talking to.

I know that all of this feels strange, but it is important that we do our part to stop the spread of the virus. Right now, and in the days and weeks ahead, you may be faced with employees not attending work due to illness, self-isolation, client policies, government action or by your own corporate direction. It is also possible that decisions will be made by employers that will impact job sites and their workers. Please make every effort to communicate to your employees and your union partners.

None of the Standard Agreements contain sick leave although it is possible some of the Union Health & Welfare Plans may contain some coverage. An employee unable to attend work due to illness or self-isolation, or in the case of employers making decision affecting workers, should be issued a medical ROE so they can access EI Sick benefits. An employee unable to work due to client policies or government action may be eligible for placement at another project you are working on depending on circumstance; however, if you do not have alternate work then generally they would be laid off for shortage of work. The waiting period for EI Medical Leave has been waived by the federal government to ease the burden on employees accessing sick benefits.

The issue with camps, hotels or LOA are also a significant challenge. There may be some employees who are able to be returned home. In these cases the employee will generally have been issued either a layoff or a medical ROE so the employer would pay the cost of return transportation to allow the employee to get home and take proper actions there. There may also be circumstances where an employee is not able to travel due to potential exposure to the virus. The Collective Agreements do not contain language to address these circumstances; however, it does not seem appropriate to leave an employee stuck out of town and tell them they must start paying for their accommodation. Our recommendation in these circumstances is to continue to pay the cost of the out of town accommodation until health authorities allow the employee to travel home. That said, if you are doing this it is important that everyone understand it is without prejudice to the fact that the Collective Agreement does not require you to pay for accommodations for employees who are not performing work. As important as it is to be compassionate and appropriate in this circumstance it is also important not to accidentally establish a precedent for the future – any circumstance in future where an employee is not able to work will need to be reviewed on its own merits.

As always, please do not hesitate to contact your labour relations advisor at the CLR if you have any questions or concerns. *We are also especially interested in hearing about any job disruptions as a result of the virus.* We have regular communication with the Bargaining Council, the individual affiliate and the BC Building Trades and will be pleased to help communicate any actions you may be taking that will impact their members.

Sincerely,



Ken McCormack
President & CEO