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From: CLRInfo
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To: Ken McCormack
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Importance: High

CLR Members,

Federal Update

A very light report from the Prime Minister (PM) today.

Since the beginning of the pandemic, the federal government's focus has been on meeting the immediate needs of Canadians. Today, the PM announced \$850 million in support for Canadian and worldwide companies engaged in research towards finding a cure for the COVID-19 virus. These funds will also be made available to support the work the World Health Organization (WHO) is doing on implementing the Coalition for Epidemic Preparedness. To be clear, and as reported by media, this is not new money but is actually funding that the federal government already committed.

The PM stressed in his discussion with other world leaders that regardless of where the vaccine may be developed, it must be made available to everyone worldwide. Canada has made this commitment should the vaccine be discovered here.

The PM also stressed that despite the good weather that is expected to be experienced this week, everyone needs to continue to self isolate as much as possible and to practice good social distancing if we do venture out from home.

Reporters focused their pandemic related questions on support for specific industry sectors like the airline industry to which he responded that the government is reviewing industry sectors as needed. On the issue of an economic recovery plan, the PM indicated that focus is on dealing with the crisis today and when the time is right, a future budget and economic accounting and recovery plan will be communicated. There were a number of questions around the government subsidy programs creating a disincentive for people to return to work. The PM could only respond that this has not been identified as an issue at this point but will be monitored in the weeks to come as the provinces gradually reopen their economies.

It can be difficult to keep track of everything related to the pandemic. Here is a federal government website that provides a hub that hopefully can answer all of your questions.

https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19.html?utm_campaign=not-applicable&utm_medium=vanity-url&utm_source=canada-ca_covid19

Provincial Updates

Attached is an Order in Council on temporary layoffs for the COVID-19 emergency. It extends the layoff period from 13 weeks to 16 weeks and assists employers with respect to issues of layoffs as a result of the pandemic with respect to constructive dismissal challenges. The government will be issuing an information bulletin on this at 10:00 am.

To date, 5 provinces have announced plans for re-opening their economies. The BC government is expected to announce their plan this week that they say should permit us to re-open our economy in a safe, gradual and measured

way. They say the plan will give us the best chance of economic recovery without losing the progress made in controlling outbreaks of the virus to date. We will report more on this as information is available.

BC Issues Guidance for Hotels and Industrial Camps

On April 28, 2020, B.C.'s provincial health officer released further industry specific guidance for industrial camps and hotels. The industrial camp guidelines build upon the guidelines previously provided for the sector on March 30, 2020, and the provincial health officer's Order for Industrial Camps on April 23, 2020. This document (see link below) is intended to assist employers in developing operational protocols to break the chain of transmission of COVID-19. The potential for transmission is particularly acute in industrial camps where workers work closely together and often live together in accommodations at or near the worksite.

Similarly, the hotel guidance is tailored to assist hotels, motels and other forms of traveler accommodations to develop operational policies in this current COVID-19 pandemic. The guidance takes into account the specific provincial health officer orders that impact the services hotels can provide (for example, food and drink services, and personal services such as health spas and salons), and addresses the particular challenges faced by hotels who are housing recent travellers to Canada or front line health care workers who are complying with self-isolation orders. The guidance addresses protections for both hotel guests and staff.

<https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/covid-19/covid-19-pho-guidance-large-industrial-work-camps.pdf>

<http://harrisco.com/b-c-extends-state-of-emergency-and-issues-guidance-for-hotels-and-industrial-camps/>

WorkSafe BC Adds COVID-19 to List of Diseases

The CLR is working with the Council of Construction Associations (COCABC) to monitor and address issues with respect to WorkSafeBC. This is true in "normal" times and is certainly true during this pandemic. COCA reports, *"as employers we welcome the opportunity to begin work to examine and determine how best to ensure that every worker in British Columbia that is disabled as a result of their work receives compensation, but we believe that COVID-19 is an example of a much broader issue that requires examination. The intersection of public and occupational health is a complex one that requires significant research, analysis and action. In our view, it is not a process to be entered into in haste or with misplaced urgency, but rather thoughtfully and deliberately."*

This is COCA's and our response with respect to the BC government's announcement on April 30, 2020, through which WorkSafeBC announced it is moving forward with adding COVID-19 to the list of diseases for which there is a presumption of it being work-related. Employers will now have to rebut the presumption that a worker caught COVID-19 at work to have the claim denied. Addition to the list typically takes between 18-24 months, but WorkSafeBC is hoping to expedite and complete the process in 6 months. Pending approval, worker COVID-19 claims will continue to be adjudicated on a case-by-case basis.

The primary effect of the change would be that a worker's injury claim for COVID-19 illness will be subject to a presumption that they contracted the illness "out of and in the course of employment". Typically, the burden of providing this rests with the worker and cases are assessed on a case-by-case basis having regard to the particular facts of the case. If COVID-19 is added to the list, the presumption will apply and worker injury claims for COVID-19 will automatically be accepted without consideration of the circumstances of the particular case.

COCA, CLR and other construction associations maintain that the changes announced by government will not help with the current pandemic situation and we will continue to advocate for government to reconsider this approach.

<https://www.lawsonlundell.com/labour-and-employment-law-blog/worksafebc-moves-to-make-it-easier-for>

WorkSafeBC has reported that 237 workers have submitted claims stating they contracted COVID-19 at work. Only 8 of those claims were submitted by workers in the construction industry and of those, 3 were not awarded and the remaining 5 are currently under review. WorkSafeBC advises that it is processing claims on a case-by-case basis. For claims by industry sector:

https://www.worksafebc.com/en/about-us/covid-19-updates/claims/covid-19-claims-by-industry-sector?utm_source=BC+Construction+Association&utm_campaign=20aaa64fb0-BCCA BRIEFING MAY 2019 COPY 03&utm_medium=email&utm_term=0_048e6515f7-20aaa64fb0-103910409&mc_cid=20aaa64fb0&mc_eid=121a240b97

Stay safe and well.

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