

## Joleen Kaminski

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**From:** CLRInfo  
**Sent:** August 12, 2020 2:44 PM  
**To:** Ken McCormack  
**Cc:** Paul Strangway; Joleen Kaminski  
**Subject:** COVID 19 Update: August 12, 2020

**Importance:** High

CLR Members,

In previous communiques, we provided updates on the **temporary layoff provisions** that employers should be aware of to address requirements under the Employment Standards Act as a result of employment changes that were necessary during the pandemic. The ***deadline to apply for a variance is August 25*** so it is important that if a variance is needed, you make your application as soon as possible before that date. There are two links below for your reference.

Government portal to access the online application:

[https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hours/variances?utm\\_source=BC+Construction+Association&utm\\_campaign=9c2682f27a-BCCA\\_BRIEFING\\_MAY\\_2019\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_048e6515f7-9c2682f27a-103910409&mc\\_cid=9c2682f27a&mc\\_eid=121a240b97](https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hours/variances?utm_source=BC+Construction+Association&utm_campaign=9c2682f27a-BCCA_BRIEFING_MAY_2019_COPY_01&utm_medium=email&utm_term=0_048e6515f7-9c2682f27a-103910409&mc_cid=9c2682f27a&mc_eid=121a240b97)

A summary of the situation and issues according to CLR's legal counsel:

[https://sites-harrisco.vuturvevx.com/19/341/august-2020/legal-update---aug-12--2020\(1\).asp?sid=f4608cf0-5a6b-4108-8e75-4b300c829057](https://sites-harrisco.vuturvevx.com/19/341/august-2020/legal-update---aug-12--2020(1).asp?sid=f4608cf0-5a6b-4108-8e75-4b300c829057)

On another topic, we have provided some updates on proposed **changes to the Workers Compensation Act** outlining some of the significant concerns that will become law if they are passed. Bill 23 has been passed through Committee and is now in final reading this week. Despite CLR and other association attempts to get government to reconsider, and this included letters from some of you, it appears that the Bill will pass into law. I should stress as I have before that if it does in fact become law, the government and WSBC will approve it having disregarded even their own scientific and medical expert advice, as well as employer expertise offered as input. Included in this list of concerns are:

- COVID will be added to the list of illnesses in Schedule 1 whereby workers who contract the virus will be "presumed" to have contracted it at work;
- Increase in the maximum wage rate for calculating claims under workers' compensation;
- Greater flexibility in recognizing retirement ages;
- Changes in the calculation of permanent partial disability (PDD) to favour workers with the higher rate available;
- The ability for reviewing previous claims;
- And more...

The bottom line is that the changes will undo the improvements made over the past roughly 25 years and return us to the mid-1990's and the costly and less efficient system that operated under the previous NDP government.

The CLR and our partners continue to monitor any developments and will keep you updated.

Please stay safe and maintain the diligent attention to your own, your workers and your family's health and safety that has made the construction sector leaders in BC in protecting our communities throughout the province.

Sincerely,

Ken McCormack | President & CEO

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