

Distribution of this Bulletin

Please ensure this bulletin is circulated to all administrative staff in both the district office and schools who must rely on the collective agreement in the performance of their duties.

COVID-19 (Novel Coronavirus): Issues and Resources

We are starting to receive employment-related questions regarding the novel coronavirus, now known as COVID-19. As reported by the BC Centre for Disease Control as of today's date, "BC has confirmed cases of the coronavirus; however, the risk to Canadians continues to be low."

Key Principles

In matters of public health with respect to employees, employers should rely exclusively on the information, recommendations, and orders of the BC Provincial Health Officer and their applicable regional health authority.

Employers are cautioned against making decisions regarding the health of their employees. Employers are also cautioned against answering hypothetical questions posed to them by employees regarding COVID-19.

Considerations

Each district has its own collective agreements, employment contracts, policies, procedures, and practices which may be relevant and should be reviewed, including specific language related to sick leave, vacation leave, or other leaves of absence.

Districts should also be mindful of statutory rights and obligations that may be applicable in situations related to COVID-19, including:

- employees' rights to statutory family responsibility leave under the *Employment Standards Act* for the care or health of a child or immediate family member
- protections against discrimination under human rights law and the duty to accommodate
- obligations with respect to employees' personal information under the *Freedom of Information and Protection of Privacy Act*
- rights and obligations under the *Workers Compensation Act* and *Occupational Health and Safety Regulation*.

Districts need to review their collective agreements, contracts, and applicable policies as well as the information published by the [Provincial Health Officer](#).

Each circumstance should be considered on a case by case basis. In general, we advise as follows:

- ❖ Employees who are exhibiting symptoms of illness, whether they are diagnosed with COVID-19 or any other illness, would access the sick leave available to them in the normal manner. Districts would apply their normal practices with respect to requirements for medical documentation if the sick leave extends beyond what might be “normally” expected for the illness. Prior to returning to work, employees who have been diagnosed with COVID-19 or any other illness requiring an extended absence from work should present the district with medical clearance from a recognized medical practitioner that they are healthy and able to safely return to work.
- ❖ Employees who are NOT exhibiting symptoms of illness and who make a declaration that they want to self-isolate are not sick and therefore would not generally have access to paid sick leave. **However, each case should be considered and monitored in the context of the particular circumstances including, of course, any recommendations or orders issued by authorized medical health officers and the applicable collective agreement or employment contract.**

In that regard, we note that yesterday, March 3, the provincial Minister of Health and the BC Provincial Health Officer issued a [joint statement](#), which includes the following:

“Starting today, Canada Border Services Agency officers are taking contact information from all travellers arriving from Iran, requiring them to self-isolate for 14 days and to contact public health officials. This process is already in place for people arriving from Hubei, China.”

Next Steps and Questions

Should the COVID-19 outbreak continue to expand, leading to orders from the BC Provincial Health Officer and/or the Canadian Chief Public Health Officer, there will likely be further questions that employers will need to address. The Public Sector Employers’ Council (PSEC) Secretariat has been coordinating liaison between the public sector employers’ associations, the ministries of health and education, the regional health authorities, and the BC Public Service Agency, and BCPSEA will continue to liaise with these and related organizations to ensure that employment-related questions are clarified and guidance provided.

As this situation continues to evolve, employers should check public health information regularly. We also encourage frequent communication with your employees. If you have any questions at this time, please contact your [BCPSEA liaison](#).

Resources

- [Webinar \(Registration is required\): COVID-19 and the legal considerations for schools, Tuesday, March 10, 2020 8:00 am – 9:00 am Pacific time, Harris Workplace Law & Advocacy](#)
- [Harris Workplace Law & Advocacy — Coronavirus: Information for employers](#)
- [Roper Greyell — Coronavirus: Information Bulletin for Employers](#)
- [Employment Standards Act](#)
- [WorkSafeBC](#)
- [811 — HealthLinkBC](#) (provincial health information phone line operated by the Ministry of Health)
- [BC Provincial Health Officer](#)
- [BC Centre for Disease Control](#)
- [Regional Health Authorities](#)
- [Health Canada](#)
- [Government of Canada travel advisories](#)