

Distribution of this Bulletin: Please ensure this bulletin is circulated to all administrative staff in both the district office and schools as appropriate.

COVID-19: Issues and Resources

NOTE: The information and advice in this bulletin is subject to review and amendment as matters related to COVID-19 continue to evolve.

As districts proceed with implementation of the K-12 Restart Plan, we are receiving requests to review employment-related issues for consistency with that Plan. To assist districts in this regard, we have compiled the following information. Given that each district has its own set of collective agreement provisions and established policies and practices, this information will need to be reviewed to ensure its alignment with individual circumstances.

The key issues relate to health and safety, addressing employees who cannot or will not come to work due to COVID-19 related reasons, staffing, and the interaction with collective agreement provisions.

Class Size, Composition and Non-enrolling Ratios

Districts need to comply with LoU No. 12 (previously LoU No.17). Given the restored language is relatively unique to each district and is now interconnected with common provincial language in LoU No. 12, if you are having issues coordinating between class size and composition language and the cohort model, please contact your BCPSEA [labour relations liaison](#).

If a class is eligible for remedy, school districts must provide remedy in accordance with LoU No. 12. BCPSEA will be providing an updated version of our implementation guide, which will specifically address calculations and processes for a quarter system.

Distributed Learning is subject to collective agreement provisions consistent with past practice. If a district is offering newly developed online/blended models of service delivery to students, discussions should occur with the local union to determine the appropriate application of collective agreement provisions.

Self-Isolation

If an employee has been medically advised to self-isolate and is able to work (e.g., the employee does not have any symptoms of illness), the employee should continue to work through alternative ways (including remote options) if such work is available. The district is not required to create

alternative work. If there isn't any alternative work, the employee should be permitted to access sick leave.

If an employee has been medically advised to self-isolate and is in no condition to work (sick), the employee will be able to access their sick leave.

If an employee has exhausted all of their available leave options, they should be encouraged to explore alternatives such as accessing short-term disability programs through their benefits plan (if available), or the employment insurance programs offered by the Government of Canada.

Please contact your BCPSEA [labour relations liaison](#) if you need assistance working through the various options.

Medical Accommodation

Employers must reasonably accommodate employees who fall into the groups protected by human rights legislation up to the point of undue hardship. Accommodation is determined on a case by case basis guided by best practice.

Following is the general process for addressing accommodation requests:

- The process should respect the dignity and privacy of the person being accommodated and must be provided on a timely basis.
- Employees are expected to bring forward their need for accommodation supported by sufficient documentation detailing limitations and/or restrictions and whether or not they are permanent or temporary (timeframe).
- In the case of disability accommodation requests, if medical information provided is not clear, the employer will ask for further information, requesting only what is needed to respond to the accommodation request (i.e., information related to the nature of the limitation or restriction).
- The employer is obligated to review the request in good faith considering the unique circumstances of each request. Applying a "one size fits all" approach to accommodation is not sufficient.
- Once a need for accommodation is established based on relevant and sufficient information, the employer must take an active role in considering alternative approaches and possible accommodation solutions.
- The employer is not required to create a job for an employee who requires an accommodation, however, consideration must be given to modification of duties or reassignment where "reasonably practicable."
- Employers and unions have a joint responsibility to find a solution when accommodation conflicts with the collective agreement.
- Employers must keep a detailed record of the accommodation request, as well as considerations and assessments taken of any and all accommodation options. Procedural process will be relied upon should a claim for discrimination be made.
- Maintain confidentiality.
- Maintain communication with the employee throughout the process.

- Grant accommodation requests in a timely way, to the point of undue hardship.
- Where accommodation would cause undue hardship, explain this clearly to the employee and be prepared to show why this is the case.
- Monitor and adjust the steps taken, as the employee's needs or the employer's circumstances might change over time.

Local unions may ask the district to share accommodation information. **Districts cannot share an employee's personal information, including medical information that may be necessary for an accommodation, without the employee's consent.** Unions may be entitled to information where collective agreement modifications may be required or there is an impact on other members. Districts may want to contact [Kathy Wright](#), Sector Lead, Workplace Health Promotion, or their BCPSEA [labour relations liaison](#) for further support.

Questions

During COVID-19 there are various agencies and regulatory bodies providing information, including the Ministry of Education, the Provincial Health Office (PHO), the BC Centre for Disease Control (CDC), and WorkSafeBC — the information is being amended on a regular basis. Much of this information can be found on the [Ministry of Education website](#).

BCPSEA is working within a coordinated framework with organizations across the broader BC public sector facilitated by the Public Sector Employers' Council (PSEC) Secretariat and the Ministry of Education.

We are pleased that we now have an occupational health and safety specialist to assist districts with guidance on complying with their employer obligations. Please contact [Hans Loeffelholz](#), Sector Lead, Occupational Health and Safety, or your BCPSEA [labour relations liaison](#) if you have any questions.