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.

UPDATE: Leave When Directed by Public Health to Self-Isolate

This bulletin provides additional clarification to BCPSEA @issue 2021-02, dated February 1, 2021 Leave When Directed by Public Health to Self-Isolate.

❖ What does “where an employee is directed by a public health official to self-isolate” mean?

An asymptomatic employee is not entitled to the general paid leave unless they have been directed by a public health official in writing to self-isolate. This means an employee has been contacted by a public health official and directed to self-isolate. For asymptomatic employees, this most commonly occurs as a result of contact tracing and direction to self-isolate is provided by the health authority in writing. An employee calling 811, or hearing of an exposure and choosing to self-isolate is not sufficient.

If an asymptomatic employee is directed to self-isolate as a part of a school closure or cohort being sent to self-isolate, this advice would apply.

❖ What if an employee’s child or other family member or person residing with the employee needs to self-isolate?

This leave applies only where the employee themselves has been directed to self-isolate. Districts should follow their regular processes which may include a family status accommodation or granting unpaid COVID-19 leave under the Employment Standards Act.

❖ What if an employee develops symptoms part-way through the self-isolation period?

An employee who develops symptoms part-way through their self-isolation period should notify the district. The district would then place the employee on sick leave during their convalescence.

❖ Can we request written documentation for the direction to self-isolate?

Districts may request reasonable documentation to support the leave request. Districts may choose to have the employee document the request through appropriate means such as a
leave request form and/or the return of a self-declaration email sent to the employee from the district. A template self-declaration email will be provided to districts by BCPSEA.

In unusual circumstances, if the district believes the self-declaration is insufficient, additional documentation may be deemed necessary. If this situation arises, districts may request the employee provide a copy of the written direction to self-isolate which they have received from a public health official.

❖ What if an employee refuses an appropriate remote work or re-deployment offer?

The provision of this general leave is gratuitous to the collective agreement/employment contract and anticipates employee’s reasonable cooperation with the process. Should the employee be unwilling to participate in the process, districts may return to applying the collective agreement/employment contract for that employee.

❖ Is this leave being provided on a without prejudice basis?

Yes, this general paid leave is being granted on a without prejudice basis as gratuitous to the collective agreement. The provision of this general paid leave is subject to review and change in the future.

This advice will be periodically reviewed and is subject to change.

Questions

Should you require assistance or wish to discuss this issue further, please contact your BCPSEA liaison.

This bulletin contains labour relations advice which is provided to members without prejudice to any position BCPSEA may take in any arbitral proceeding or other forum.