COVID-19 & SARS-CoV-2

Issues and Questions Related to Possible Workplace Closures and Health and Safety Concerns

Bulletin for BC Region

Tom McKenna, National Health and Safety Representative
BC Region
March 12, 2020

This Bulletin is in response to a number of questions that have arisen with respect to potential or actual workplace closures (partial or full) due to COVID-19 (from the virus known as SARS-CoV-2). Questions include:
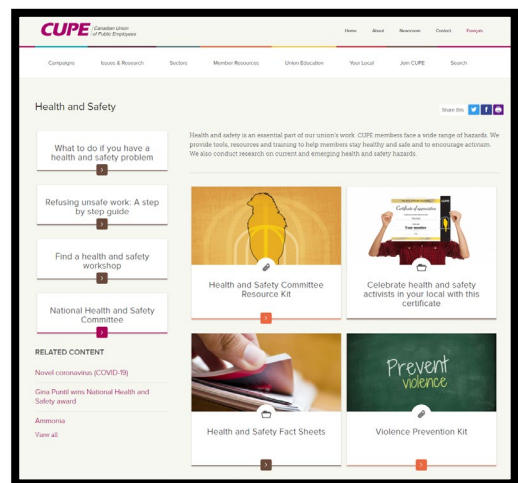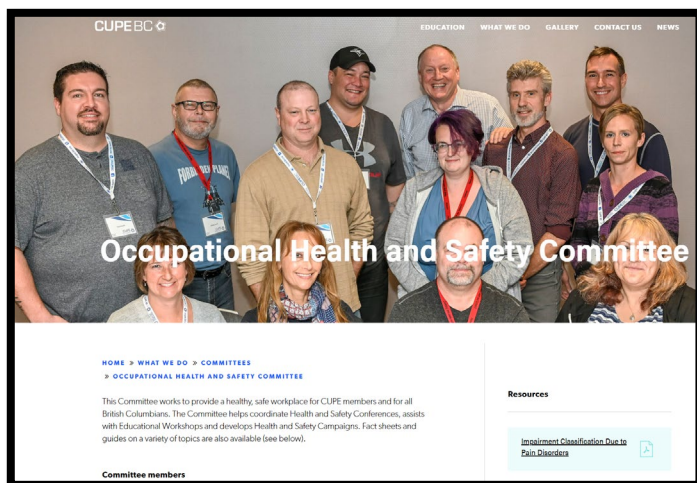
- **What will happen if the workplace is partially or completely closed?**

- **Can Employers send workers home and if so, is this without pay?**

- **Can workers file WorkSafeBC claims?**

- **Is there a Right to Refuse?**

Information on the epidemic changes daily. Statistics and data are based on numerous variables that are frequently changing. CUPE members should be very cautious regarding statistical information due to the level of uncertainty regarding this virus.

All of the information in this Bulletin should be viewed in the context of the current Collective Agreement, using the CUPE Local, CUPE National Representative and other resources as required.

This is not medical or legal advice and is subject to change without notice.

This Bulletin is in addition to the five other Bulletins, Fact Sheets and Guides in the CUPE BC Region. See https://www.cupe.bc.ca/occupational_health_and_safety_committee. This is in addition to the Fact Sheets and resources on the CUPE National Health and Safety website. See https://cupe.ca/health-and-safety

CUPE BC Region Bulletin - Issues and Questions Related to Possible Workplace Closures – March 12, 2020

Question / Issue	Answer
The employer said they might partially or fully close down the workplace. Will workers be sent home without pay? Do employers have to pay workers? Is this a layoff?	The Collective Agreement should be reviewed for any potential entitlements including sick leave, external disability benefits, use of vacation time or banked time, etc. There may be external benefits plans from insurance carriers. Workers should ask employers for copies of all insurance and disability plan documents. The *Employment Standards Act* may also have benefits (paid and unpaid potential entitlements). This may include: • **Family Responsibility Leave (Section 52)** • **Compassionate Care Leave (Section 52.1)** • **Critical Illness or Injury Leave (Section 52.11)** See: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96113_01 Employment Insurance Benefits might be an entitlement. It is important to determine if this is a layoff. Employment Insurance benefits may include: • **Sickness Benefits (which specifically includes quarantine)** • **Caregiving Benefits and Leave** There may be related obligations under the BC Labour Relations Code as well. See: https://www.canada.ca/en/services/benefits/ei.html

	See: https://globalnews.ca/news/6639966/support-for-quarantined-canadians/ **See:** http://www.lrb.bc.ca/codeguide/chapter1.htm **As per the Global News (March 06, 2020), the federal government announced that it provide financial help for quarantined Canadians due to SARS-CoV-2 and COVID-19. Details about those plans will be coming shortly.**
Can the employer send workers home who are symptomatic, non-symptomatic but have been exposed to persons who have SARS-CoV-2 or COVID-19, or who have been to locations (countries) that have high infection rates?	**Possibly. Employers and workers should view the most up to date guidance published by the relevant Canadian and Provincial governments, the health authorities and the BC Centre for Disease Control regarding requirements to self-isolation or quarantine. Employers have an obligation to "ensure the health and safety of all workers working for that employer". As per the BC** *Workers Compensation Act***:** **Division 3 – General Duties of Employers, Workers and Others:** **General duties of employers** **115 (1) Every employer must** **(a) ensure the health and safety of** **(i) all workers working for that employer, and** **(ii) any other workers present at a workplace at which that employer's work is being carried out, and** **(b) comply with this Part, the regulations and any applicable orders.** **(2) Without limiting subsection (1), an employer must**

(a) remedy any workplace conditions that are hazardous to the health or safety of the employer's workers,

(b) ensure that the employer's workers

> **(i) are made aware of all known or reasonably foreseeable health or safety hazards to which they are likely to be exposed by their work,**
>
> **(ii) comply with this Part, the regulations and any applicable orders, and**
>
> **(iii) are made aware of their rights and duties under this Part and the regulations,**

(c) establish occupational health and safety policies and programs in accordance with the regulations,

(d) provide and maintain in good condition protective equipment, devices and clothing as required by regulation and ensure that these are used by the employer's workers,

(e) provide to the employer's workers the information, instruction, training and supervision necessary to ensure the health and safety of those workers in carrying out their work and to ensure the health and safety of other workers at the workplace,

(f) make a copy of this Act and the regulations readily available for review by the employer's workers and, at each workplace where workers of the employer are regularly employed, post and keep posted a notice advising where the copy is available for review,

(g) consult and cooperate with the joint committees and worker health and safety representatives for workplaces of the employer,

and

	(h) cooperate with the Board, officers of the Board and any other person carrying out a duty under this Part of the regulations. **As per HHReporter, March 03, 2020, the Public Health Agency of Canada has stated (subject to change) that all travellers returning from an area affected by COVID-19 in the previous 14 days must self-isolate and stay at home for a total of 14 days from the date they left the affected area. Employers may try to determine if the worker has been in contact with persons who are symptomatic or who have COVID-19 or SARS-CoV-2.** **See:** http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96492_00 **See:** https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/workers-compensation-act/workers-compensation-act **See:** http://www.bccdc.ca/about/news-stories/stories/2020/information-on-novel-coronavirus
If a worker is quarantined, will they receive pay and benefits? Note: there may be differences between entitlements for regular workers versus employees in workers in precarious employment.	**See above. The Collective Agreement should be reviewed for any potential entitlements including sick leave, external disability benefits, use of vacation time or banked time, etc.** **If the worker has an accepted WorkSafeBC claim related to the virus, the worker may receive wage loss and healthcare benefits.** **Are there working from home or telecommuting opportunities? The CUPE National Representative should be involved in all aspects of these arrangements.**

	Field Law, a law firm, stated that "employers should pay their employees during the absence to avoid any allegations of discrimination based on illness." This is one opinion from one source.
	See: https://www.fieldlaw.com/
	See: https://globalnews.ca/news/6628914/coronavirus-work-from-home/
	See: https://www.monkhouselaw.com/
	See: https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/coronavirus-information-and-faqs.aspx
What kind of benefits might be available for workers who have been sent home, are quarantined, or who are ill?	The Collective Agreement should be reviewed for any potential entitlements including sick leave, external disability benefits, use of vacation time or banked time, etc.
	There may be external benefits plans from insurance carriers. Workers should ask employers for copies of all insurance and disability plan documents.
	The *Employment Standards Act* may also have benefits (paid and unpaid potential entitlements). This may include:
	• **Family Responsibility Leave (Section 52)** • **Compassionate Care Leave (Section 52.1)** • **Critical Illness or Injury Leave (Section 52.11)**
	See: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96113_01

	Employment Insurance Benefits. This may include: • **Sickness Benefits (which specifically includes quarantine)** • **Caregiving Benefits and Leave** **See:** https://www.canada.ca/en/services/benefits/ei.html **As per the Global News (March 06, 2020), the federal government announced that it provide financial help for quarantined Canadians due to SARS-CoV-2 and COVID-19. Details about those plans will be coming shortly.** **See:** https://globalnews.ca/news/6639966/support-for-quarantined-canadians/
What other preparations do workers, Locals and employers need to do?	**There are many sources of information for workers, Locals and employers. These include the following (non-exhaustively):** **BC Centre for Disease Control** **See:** http://www.bccdc.ca/ **BC Ministry of Health Region** **See:** https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/health **CUPE BC OHS Committee** **See:** https://www.cupe.bc.ca/occupational_health_and_safety_committee **CUPE National Health and Safety** **See:** https://cupe.ca/health-and-safety **and** https://cupe.ca/coronavirus

	Fraser Health Region See: https://www.fraserhealth.ca/employees/medical-health-officer-updates/updated-guidance-for-suspect-cases-of-novel-coronavirus-march-4-2020#.XmPeMqhKjFg **Government of Canada** See: https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/frequently-asked-questions.html **US Centers for Disease Control and Prevention (See Appendix A)** See: https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html **Vancouver Coastal Health** See: http://www.vch.ca/
Can employers require medical notes certifying fitness to return to work or stay at work? Can employers require medical examinations of workers?	**Employer requests for medical information is a labour relations matter subject to the Collective Agreement, Union rights, management rights (which is often contained in the Collective Agreement), WorkSafeBC and other legislation e.g. Division 3 of the *Workers Compensation Act*, and numerous arbitration decisions that have dealt with this issue over the years. Each case is fact dependent.** **Workers should contact their CUPE National Representative if requests for medical information occur.** **Ensure privacy of information is protected.** **See:** http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00

How long can a quarantine last? How long can a worker be quarantined for?	Quarantines have lasted up to 1 month. However, the average has been 14 days. The quarantine period is dependent on a number of factors such as presence of the virus, presence of symptoms, presence of other persons in the household who have the virus or symptomatic. Each case is fact dependent.
Can the employer terminate a worker for being absent due to having COVID-19?	Generally no. Labour relations matters such as this are subject to the Collective Agreement, management rights (which is often contained in the Collective Agreement), human rights and other legislation, and numerous arbitration decisions that have dealt with this issue over the years. Each case is fact dependent. Workers should contact their CUPE National Representative if requests for medical information occur.
Is there a duty to accommodate workers with COVID-19?	Possibly. Each case is dependent on the facts. As per the BC Human Rights Code, there are a number of prohibited grounds of discrimination. These include: • **Race** • **Colour** • **Ancestry** • **Place of origin** • **Religion** • **Marital status** • **Family status** • **Physical or mental disability** • **Sex** • **Sexual orientation** • **Gender identity or expression** • **Age of that person or that group or class of persons** The applicable grounds for the purposes of this Bulletin include Family status and physical or mental disability.

| | A worker may have obligations to assist a family member who has COVID-19 or may have symptoms of COVID-19.

Employers should carefully consider the specific circumstances and ensure they fill their procedural and substantive duty to accommodate to the point of undue hardship.

In all cases of human rights issues, including requests for or obligations related to the duty to accommodate, contact the CUPE National Representative.

See: http://www.bclaws.ca/Recon/document/ID/freeside/00_96210_01

See: http://www.bchrt.bc.ca/ |
|---|---|
| **Is there a duty to accommodate workers who are caring for persons who have COVID-19?** | **See above.** |
| **Should quarantined workers file WorkSafeBC claims?** | **Possibly. Is the exposure work related or possibly work-related? Does the course of employment require exposure to persons who are infected? Are workers being sent home due to possible work exposure (without symptoms or actual diagnosis of COVID-19)? If so, workers should file the Form 6 – Application for Compensation and Report of Injury or Occupational Disease** https://www.worksafebc.com/en/resources/claims/forms/application-for-compensation-and-report-of-injury-or-occupational-disease-form-6?lang=en

Form 6: (see next page) |

Not the Form 6A – Worker's Report of Injury or Occupational Disease To Employer
https://www.worksafebc.com/en/resources/claims/forms/workers-report-of-injury-or-occupational-disease-to-employer-form-6a?lang=en

The report that goes to the Employer and does not initiate a WorkSafeBC claim). The employer can request that workers fill out this form.

It is recommended that workers also consider filing out the WorkSafeBC Exposure Registry Form 41M1 at
https://www.worksafebc.com/en/resources/health-care-providers/forms/exposure-registry-program-form-41m1?lang=en **if and as applicable.**

Form 41M1: (see next page)

Are certain workers at higher risk of critical illness from SARS-CoV-2 and COVID-19?

Each case is highly fact dependent. There are numerous personal circumstances that may affect this. Persons with cardiovascular disease, hypertension, diabetes and chronic respiratory disease are at a much higher rate of critical illness as are older persons.

Deaths rate is higher in people with pre-existing conditions

	Cases	Deaths	Fatality rate (%)
Cardiovascular disease	873	92	10.5
Diabetes	1,102	80	7.3
Chronic respiratory disease	511	32	6.3
Hypertension	2,683	161	6
Cancer	107	6	5.6
None	15,536	133	0.9

44,672 confirmed COVID-19 cases in Mainland China as of February 11, 2020. Missing data for 23,690 cases.
Source: The Epidemiological Characteristics of an Outbreak of 2019 Novel Coronavirus Diseases (COVID-19)

sky news

However, a majority of cases are mild (over 80%).

MAJORITY OF CASES ARE MILD AND HARDLY DETECTED

DEATHS
SEVERE CASES
SYMPTOMATIC CASES (FEVER)
ASYMPTOMATIC CASES (MILD)

CASES DETECTED IN MAINLINE CHINA

CASES DETECTED INTERNATIONALLY

SOURCE: IMPERIAL COLLEGE LONDON

A pyramid showing how coronavirus affects a community
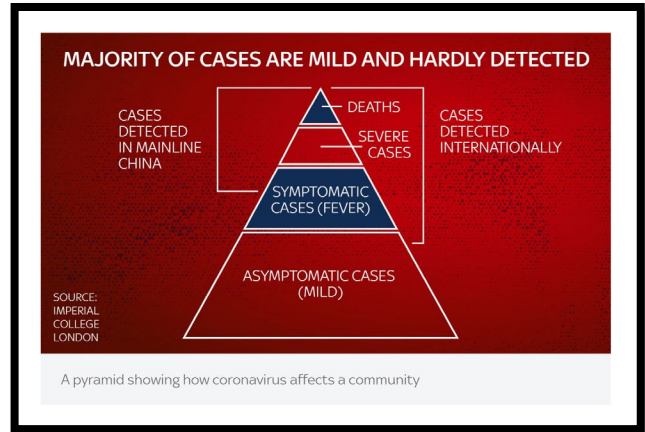
Should employers perform Risk Assessments or have Exposure Control Plans?	**Yes. Employers are required under the occupational health and safety laws (OHS Regulations, legislation, policies and Guidelines) to protect workers from work-related hazards, including any infectious disease that is found in the workplace that may pose a risk to workers. WorkSafeBC requires Risk Assessments. WorkSafeBC has resources such as:**
	Controlling Exposure: Protecting Workers From Infectious Diseases.
	These address an employer's obligations, including some of the following (non-exhaustively):
	identifying infectious diseases that are, or may be, in the workplace **developing and implementing an exposure control plan, when required** **educating, training and supervising workers on safe work procedures, including hand washing and the proper use of personal protective equipment** **telling workers to see medical attention, as required.**

See:
https://www.worksafebc.com/en/health-safety/create-manage/managing-risk/assessing-risks

And
https://www.worksafebc.com/en/resources/health-safety/posters/workplace-safety-series/risk-assessment?lang=en
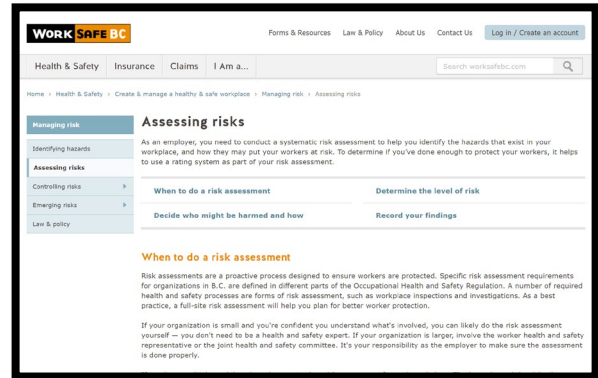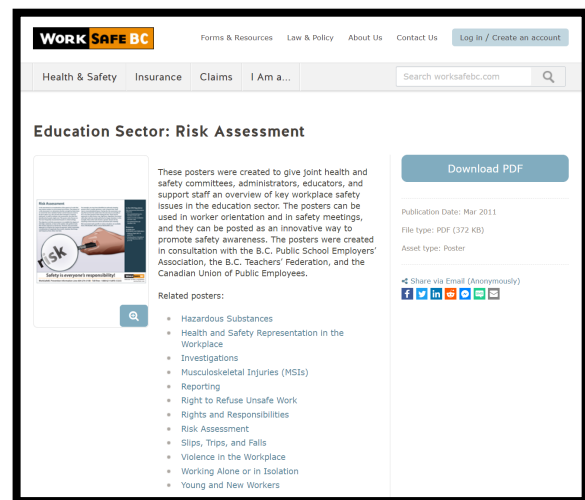
Exposure Control Plans are required where workers are exposed to biological substances as per Sections 6.33 to 6.40 of the OHS Regulations.

See:
https://www.worksafebc.com/en/resources/health-safety/exposure-control-plans/exposure-control-plan-for-infectious-disease-for-occupational-first-aid-attendants?lang=en

	And http://former.bcgeu.ca/sites/default/files/Spring%20conference%20Exposure.pdf
Does WorkSafeBC have any policies or position pertaining to COVID-19?	Yes. WorkSafeBC stated that: **"WorkSafeBC has been communicating with our prevention officers to assist them in supporting employers with information about COVID-19 and employer obligations in the workplace. Workers in the health care sector may have a higher potential risk of coming into contact with infected persons. WorkSafeBC is engaging with health authorities to verify their infection prevention and exposure control plans are effective and in place."** **See:** https://www.worksafebc.com/en/about-us/news-events/announcements/2020/January/what-workers-employers-need-to-know-about-coronavirus?origin=s&returnurl=https%3A%2F%2Fwww.worksafebc.com%2Fen%2Fsearch%23q%3DCOVID-19%26sort%3Drelevancy%26f%3Alanguage-facet%3D%5BEnglish%5D

WorkSafeBC

Forms & Resources   Law & Policy   About Us   Contact Us   Log in / Create

Health & Safety   Insurance   Claims   I Am a...   Search worksafebc.com

Home > About us > News & Events > 2020 > January > What workers and employers need to know about COVID-19

What workers and employers need to know about COVID-19

Published on: March 06, 2020

Public health officials have currently identified that the risk of the novel coronavirus (COVID-19) spreading within British Columbia is low, and WorkSafeBC is continuing to monitor the progression of the virus.

As information about COVID-19 develops, WorkSafeBC will continue to refer to the BC Centre for Disease Control and the Public Health Agency of Canada for guidance.

Since the first confirmed case of COVID-19 was reported in Metro Vancouver in late January, a small number of additional cases in British Columbia have been confirmed. These cases are being closely managed and patients have either fully recovered or continue to recover in isolation at home and under the care of public health teams.

For more information, including public health alerts and FAQs, please see the COVID-19 information at the following websites:

- HealthLinkBC ⧉
- BC Centre for Disease Control website ⧉

Information about COVID-19

Coronaviruses (CoV) are a large family of viruses that can cause illness ranging from the common cold to more severe diseases. A new coronavirus named "COVID-19" (previously known as 2019-nCoV) has been identified – one that was not previously found in humans.

For more information, please refer to our influenza page.

WorkSafeBC has been communicating with our prevention officers to assist them in supporting employers with information about COVID-19 and employer obligations in the workplace. Workers in the health care sector may have a higher potential risk of coming into contact with infected persons. WorkSafeBC is engaging with health authorities to verify their infection prevention and exposure control plans are effective and in place. The World Health Organization recommends that health care workers consistently apply appropriate infection prevention and control measures, including hand hygiene; wearing appropriate personal protective equipment, including masks and eye protection, when assessing patients with respiratory illness; and performing a risk assessment before providing care.

This announcement was originally published on January 31, 2020 and updated on March 6, 2020.

Can workers refuse unsafe work? Is there a Right to Refuse under Section 3.12? Can workers refuse to come to work?

Each case is dependent on the facts. Workers in high risk Sectors such as healthcare or aviation e.g. flight attendants, have a higher than average risk of exposure. These are potentially high contact, high exposure workplaces. While all workers have the right to refuse unsafe work, there is a detailed process for this. Workers may be entitled to refuse work if they have reasonable cause to believe that performing the work would create an undue hazard to the health and safety of themselves or another person. The worker must immediately report the unsafe condition to the employer. An employer then has an obligation to investigate the matter and address the issue as per Section 3.12 of the *OHS Regulations*. In terms of workers refusing to attend work, the employer should conduct a risk assessment, conduct health and safety investigations as required, and engage the process in Section 3.12.

Retaliation, discriminatory action and reprisals by employers against workers are prohibited by legislation and the OHS Regulations.

WorkSafeBC has created numerous resources for this. See Appendix B.

See:
https://www.worksafebc.com/en/health-safety/create-manage/rights-responsibilities/refusing-unsafe-work

See:
https://www.worksafebc.com/en/health-safety
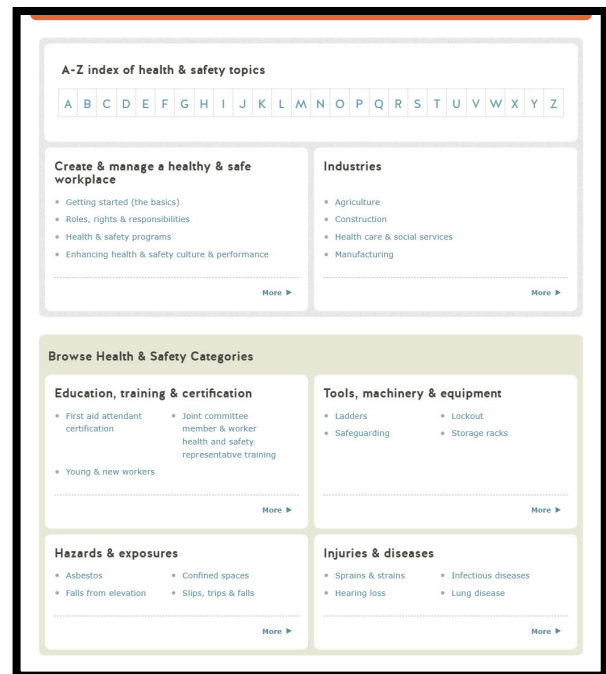
Should the Joint Health and Safety Committee ("JHSC" / "JOSH") be involved in creating health and safety policies, procedures and recommendations for COVID-19?	Yes. The JHSC has a fundamental, equal participatory role in almost all aspects of health and safety in the workplace, including COVID-19.
	WorkSafeBC can issue Orders against employers for health and safety violations related to SARS-CoV-2. Workers should always refer to the OHS Regulations including the General Duties.
	See Part 3: Rights and Responsibilities.

See:
https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation/ohs-regulation/part-03-rights-and-responsibilities

See:
https://www.worksafebc.com/en/health-safety/create-manage/joint-health-safety-committees

See the CUPE Guide for a detailed explanation at:
https://www.cupe.bc.ca/occupational_health_and_safety_committee
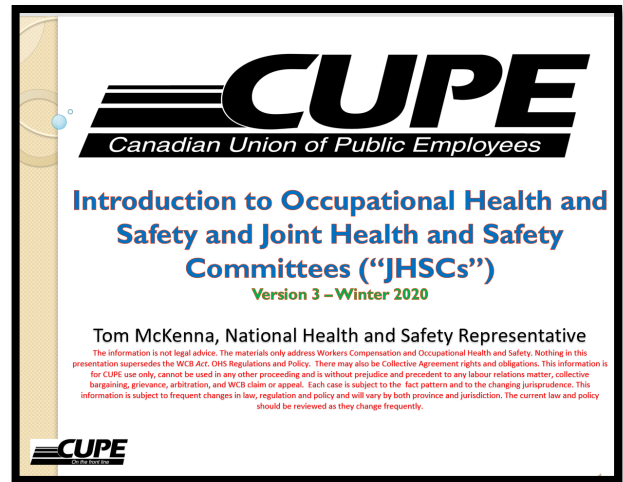
Sources:

BC Centre for Disease Control, BC Human Rights Tribunal, BC Labour Relations Board, CCOHS, Health Canada, HealthLink BC, HRReporter, Fraser Health Region, Lancaster House, NIOSH, US Centers for Disease Control and Prevention, US Centers for Disease Control and Prevention, Vancouver Coastal Health, various law firms (note: reference to statements by the law firms do not constitute agreement to those statements or positions), World Health Organization.

Appendix A - US Centers for Disease Control and Prevention: (Note: this is US information which did not consider Canadian legislation or Collective Agreement requirements, human rights requirements, etc)

Interim Guidance for Businesses and Employers

Plan, Prepare and Respond to Coronavirus Disease 2019

This interim guidance is based on what is currently known [about the coronavirus disease 2019 (COVID-19)](). The Centers for Disease Control and Prevention (CDC) will update this interim guidance as needed and as additional information becomes available.

CDC is working across the Department of Health and Human Services and across the U.S. government in the public health response to COVID-19. Much is unknown about how the virus that causes COVID-19 spreads. Current knowledge is largely based on what is known about similar coronaviruses.

CDC Industry Guidance

- [Resources for Airlines]()
- [Resources for the Ship Industry]()

CDC Public and Private Partner Call for COVID-19 — March 4, 2020

Dr. Jay Butler, CDC's Deputy Director for Infectious Diseases and Senior Response Official for the COVID-19 response provided a situational update for CDC partners, including members of the private sector, public health organizations, universities, and clinical societies.

Coronaviruses are a large family of viruses that are common in humans and many different species of animals, including camels, cattle, cats, and bats. Rarely, animal coronaviruses can infect people and then spread between people, such as with MERS-CoV and SARS-CoV. The virus that causes COVID-19 is spreading from person-to-person in China and some limited person-to-person transmission has been reported in countries outside China, including the United States. However, respiratory illnesses like seasonal influenza, are currently widespread in many US communities.

The following interim guidance may help prevent workplace exposures to acute respiratory illnesses, including COVID-19, in non-healthcare settings. The guidance also provides planning considerations if there are more widespread, community outbreaks of COVID-19.

To prevent stigma and discrimination in the workplace, use only the guidance described below to determine risk of COVID-19. Do not make determinations of risk based on race or country of origin, and be sure to maintain confidentiality of people with confirmed COVID-19. There is much more to learn about the transmissibility, severity, and other features of COVID-19 and investigations are ongoing. Updates are available on CDC's web page at www.cdc.gov/coronavirus/covid19.

 Recommended strategies for employers to use now:

- **Actively encourage sick employees to stay home:**

    o Employees who have symptoms of acute respiratory illness are recommended to stay home and not come to work until they are free of fever (100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees should notify their supervisor and stay home if they are sick.

    o Ensure that your sick leave policies are flexible and consistent with public health guidance and that employees are aware of these policies.

    o Talk with companies that provide your business with contract or temporary employees about the importance of sick employees staying home and encourage them to develop non-punitive leave policies.

    o Do not require a healthcare provider's note for employees who are sick with acute respiratory illness to validate their illness or to return to work, as healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way.

    o Employers should maintain flexible policies that permit employees to stay home to care for a sick family member. Employers should be aware that more employees may need to stay at home to care for sick children or other sick family members than is usual.

- **Separate sick employees:**

    o CDC recommends that employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) upon arrival to work or become sick

during the day should be separated from other employees and be sent home immediately. Sick employees should cover their noses and mouths with a tissue when coughing or sneezing (or an elbow or shoulder if no tissue is available).

- **Emphasize staying home when sick, respiratory etiquette and hand hygiene by all employees:**

  o Place posters that encourage staying home when sick, cough and sneeze etiquette, and hand hygiene at the entrance to your workplace and in other workplace areas where they are likely to be seen.

  o Provide tissues and no-touch disposal receptacles for use by employees.

  o Instruct employees to clean their hands often with an alcohol-based hand sanitizer that contains at least 60-95% alcohol, or wash their hands with soap and water for at least 20 seconds. Soap and water should be used preferentially if hands are visibly dirty.

  o Provide soap and water and alcohol-based hand rubs in the workplace. Ensure that adequate supplies are maintained. Place hand rubs in multiple locations or in conference rooms to encourage hand hygiene.

  o Visit the coughing and sneezing etiquette and clean hands webpage for more information.

- **Perform routine environmental cleaning:**

  o Routinely clean all frequently touched surfaces in the workplace, such as workstations, countertops, and doorknobs. Use the cleaning agents that are usually used in these areas and follow the directions on the label.

  o No additional disinfection beyond routine cleaning is recommended at this time.

  o Provide disposable wipes so that commonly used surfaces (for example, doorknobs, keyboards, remote controls, desks) can be wiped down by employees before each use.

- **Advise employees before traveling to take certain steps:**

  o Check the CDC's Traveler's Health Notices for the latest guidance and recommendations for each country to which you will travel. Specific travel information for travelers going to and returning from China, and information for aircrew, can be found at on the CDC website.

  o Advise employees to check themselves for symptoms of acute respiratory illness before starting travel and notify their supervisor and stay home if they are sick.

  o Ensure employees who become sick while traveling or on temporary assignment understand that they should notify their supervisor and should promptly call a healthcare provider for advice if needed.

  o If outside the United States, sick employees should follow your company's policy for obtaining medical care or contact a healthcare provider or overseas medical assistance company to assist them with finding an appropriate healthcare provider in that country. A U.S. consular officer can help locate healthcare services. However, U.S. embassies, consulates, and military facilities do not have the legal authority, capability, and resources to evacuate or give medicines, vaccines, or medical care to private U.S. citizens overseas.

- **Additional Measures in Response to Currently Occurring Sporadic Importations of the COVID-19:**

  o Employees who are well but who have a sick family member at home with COVID-19 should notify their supervisor and refer to CDC guidance for how to conduct a risk assessment of their potential exposure.

  o If an employee is confirmed to have COVID-19, employers should inform fellow employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). Employees exposed to a co-worker with confirmed COVID-19 should refer to CDC guidance for how to conduct a risk assessment of their potential exposure.

Planning for a Possible COVID-19 Outbreak in the US

The severity of illness or how many people will fall ill from COVID-19 is unknown at this time. If there is evidence of a COVID-19 outbreak in the U.S., employers should plan to be able to

respond in a flexible way to varying levels of severity and be prepared to refine their business response plans as needed. For the general American public, such as workers in non-healthcare settings and where it is unlikely that work tasks create an increased risk of exposures to COVID-19, the immediate health risk from COVID-19 is considered low. The CDC and its partners will continue to monitor national and international data on the severity of illness caused by COVID-19, will disseminate the results of these ongoing surveillance assessments, and will make additional recommendations as needed.

Planning Considerations

All employers need to consider how best to decrease the spread of acute respiratory illness and lower the impact of COVID-19 in their workplace in the event of an outbreak in the US. They should identify and communicate their objectives, which may include one or more of the following: (a) reducing transmission among staff, (b) protecting people who are at higher risk for adverse health complications, (c) maintaining business operations, and (d) minimizing adverse effects on other entities in their supply chains. Some of the key considerations when making decisions on appropriate responses are:

- Disease severity (i.e., number of people who are sick, hospitalization and death rates) in the community where the business is located;

- Impact of disease on employees that are vulnerable and may be at higher risk for COVID-19 adverse health complications. Inform employees that some people may be at higher risk for severe illness, such as older adults and those with chronic medical conditions.

- Prepare for possible increased numbers of employee absences due to illness in employees and their family members, dismissals of early childhood programs and K-12 schools due to high levels of absenteeism or illness:

    o Employers should plan to monitor and respond to absenteeism at the workplace. Implement plans to continue your essential business functions in case you experience higher than usual absenteeism.

    o Cross-train personnel to perform essential functions so that the workplace is able to operate even if key staff members are absent.

    o Assess your essential functions and the reliance that others and the community have on your services or products. Be prepared to change your business practices if needed to maintain critical operations (e.g., identify alternative suppliers, prioritize customers, or temporarily suspend some of your operations if needed).

- Employers with more than one business location are encouraged to provide local managers with the authority to take appropriate actions outlined in their business infectious disease outbreak response plan based on the condition in each locality.

- Coordination with stateexternal icon and localexternal icon health officials is strongly encouraged for all businesses so that timely and accurate information can guide appropriate responses in each location where their operations reside. Since the intensity of an outbreak may differ according to geographic location, local health officials will be issuing guidance specific to their communities.

Important Considerations for Creating an Infectious Disease Outbreak Response Plan
All employers should be ready to implement strategies to protect their workforce from COVID-19 while ensuring continuity of operations. During a COVID-19 outbreak, all sick employees should stay home and away from the workplace, respiratory etiquette and hand hygiene should be encouraged, and routine cleaning of commonly touched surfaces should be performed regularly.

Employers should:

- Ensure the plan is flexible and involve your employees in developing and reviewing your plan.

- Conduct a focused discussion or exercise using your plan, to find out ahead of time whether the plan has gaps or problems that need to be corrected.

- Share your plan with employees and explain what human resources policies, workplace and leave flexibilities, and pay and benefits will be available to them.

- Share best practices with other businesses in your communities (especially those in your supply chain), chambers of commerce, and associations to improve community response efforts.

Recommendations for an Infectious Disease Outbreak Response Plan:

- Identify possible work-related exposure and health risks to your employees. OSHA has more information on how to protect workers from potential exposuresexternal icon to COVID-19.

- Review human resources policies to make sure that policies and practices are consistent with public health recommendations and are consistent with existing state and federal workplace laws (for more information on employer responsibilities, visit the Department of Labor'sexternal icon and the Equal Employment Opportunity Commission'sexternal icon websites).

- Explore whether you can establish policies and practices, such as flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), to increase the physical distance among employees and between employees and others if state and local health authorities recommend the use of social distancing strategies. For employees who are able to telework, supervisors should encourage employees to telework instead of coming into the workplace until symptoms are completely resolved. Ensure that you have the information technology and infrastructure needed to support multiple employees who may be able to work from home.

- Identify essential business functions, essential jobs or roles, and critical elements within your supply chains (e.g., raw materials, suppliers, subcontractor services/products, and logistics) required to maintain business operations. Plan for how your business will operate if there is increasing absenteeism or these supply chains are interrupted.

- Set up authorities, triggers, and procedures for activating and terminating the company's infectious disease outbreak response plan, altering business operations (e.g., possibly changing or closing operations in affected areas), and transferring business knowledge to key employees. Work closely with your local health officials to identify these triggers.

- Plan to minimize exposure between employees and also between employees and the public, if public health officials call for social distancing.

- Establish a process to communicate information to employees and business partners on your infectious disease outbreak response plans and latest COVID-19 information. Anticipate employee fear, anxiety, rumors, and misinformation, and plan communications accordingly.

- In some communities, early childhood programs and K-12 schools may be dismissed, particularly if COVID-19 worsens. Determine how you will operate if absenteeism spikes from increases in sick employees, those who stay home to care for sick family members, and those who must stay home to watch their children if dismissed from school. Businesses and other employers should prepare to institute flexible workplace and leave policies for these employees.

- Local conditions will influence the decisions that public health officials make regarding community-level strategies; employers should take the time now to learn about plans in place in each community where they have a business.

- If there is evidence of a COVID-19 outbreak in the US, consider canceling non-essential business travel to additional countries per travel guidance on the CDC website.

    o Travel restrictions may be enacted by other countries which may limit the ability of employees to return home if they become sick while on travel status.

    o Consider cancelling large work-related meetings or events.

- Engage stateexternal icon and localexternal icon health departments to confirm channels of communication and methods for dissemination of local outbreak information.

Resources for more information:

CDC Guidance

- COVID-19 Website
- What You Need to Know About COVID-19pdf icon
- What to Do If You Are Sick With COVID-19pdf icon
- Interim US Guidance for Risk Assessment and Public Health Management of Persons with Potential Coronavirus Disease 2019 (COVID-19) Exposure in Travel-associated or Community Settings
- Health Alert Network
- Travelers' Health Website
- National Institute for Occupational Safety and Health's Small Business International Travel Resource Travel Plannerpdf icon
- Coronavirus Disease 2019 Recommendations for Ships

Appendix B – WorkSafeBC – Refusing Unsafe Work (this is one of many resources that are on the WorkSafeBC website):

Refusing unsafe work

Roles, rights & responsibilities

Refusing unsafe work

Law & policy

Workers have the right to refuse unsafe work. If you have reasonable cause to believe that performing a job or task puts you or someone else at risk, you must not perform the job or task. You must immediately notify your supervisor or employer, who will then take the appropriate steps to determine if the work is unsafe and remedy the situation.
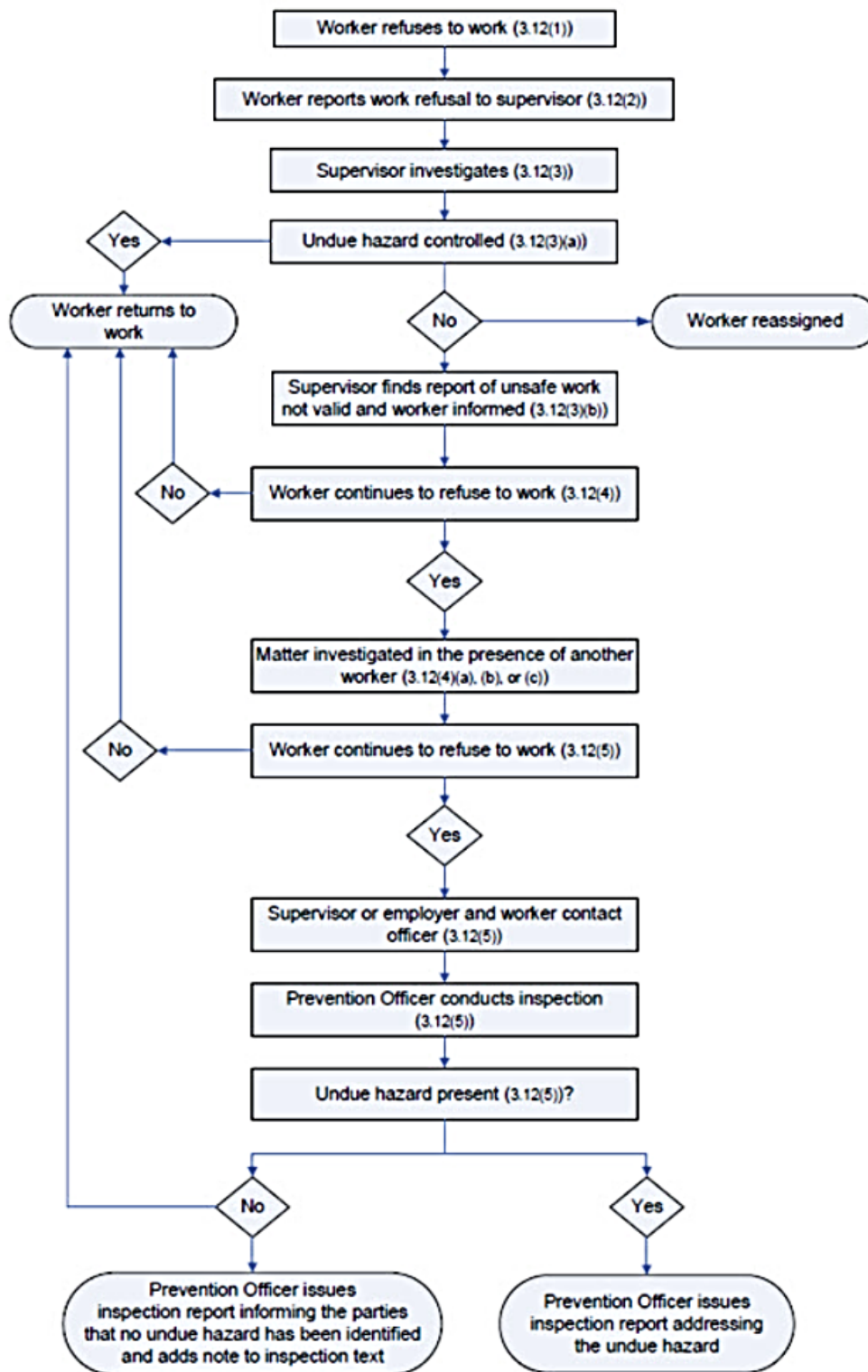
As an employer, workers are your eyes and ears on the front line of workplace health and safety. When workers refuse work because they believe it's unsafe, consider it an opportunity to investigate and correct a situation that could have caused harm.

If a worker refuses work because it's unsafe, workplace procedures will allow the issue to be properly understood and corrected. As a worker, you have the right to refuse to perform a specific job or task you believe is unsafe without being disciplined by your employer. Your employer or supervisor may temporarily assign a new task to you, at no loss in pay.

Steps to follow when work might be unsafe

1 **Report the unsafe condition or procedure**
- As a worker, you must immediately report the unsafe condition to a supervisor or employer.
- As a supervisor or employer, you must investigate the matter and fix it if possible. If you decide the worker's concern is not valid, report back to the worker.

2 **If a worker still views work as unsafe after a supervisor or employer has said it is safe to perform a job or task**
- As a supervisor or employer, you must investigate the problem and ensure any unsafe condition is fixed.
- This investigation must take place in the presence of the worker and a worker representative of the joint health and safety committee or a worker chosen by the worker's trade union. If there is no safety committee or representing trade union at the workplace, the worker who first reported the unsafe condition can choose to have another worker present at the investigation.

3 **If a worker still views work as unsafe, notify WorkSafeBC**
- If the matter is not resolved, the worker and the supervisor or employer must contact WorkSafeBC. A prevention officer will then investigate and take steps to find a workable solution.

Flowchart for Regulation Guideline 3.12

Worker refuses to work (3.12(1))

Worker reports work refusal to supervisor (3.12(2))

Supervisor investigates (3.12(3))

Undue hazard controlled (3.12(3)(a)) — Yes → Worker returns to work

No → Worker reassigned

Supervisor finds report of unsafe work not valid and worker informed (3.12(3)(b))

Worker continues to refuse to work (3.12(4)) — No

Yes

Matter investigated in the presence of another worker (3.12(4)(a), (b), or (c))

Worker continues to refuse to work (3.12(5)) — No

Yes

Supervisor or employer and worker contact officer (3.12(5))

Prevention Officer conducts inspection (3.12(5))

Undue hazard present (3.12(5))?

No → Prevention Officer issues inspection report informing the parties that no undue hazard has been identified and adds note to inspection text

Yes → Prevention Officer issues inspection report addressing the undue hazard

CUPE BC Region Bulletin - Issues and Questions Related to Possible Workplace Closures – March 12, 2020