

Coronavirus in the Workplace

The Least Employers Need to Know

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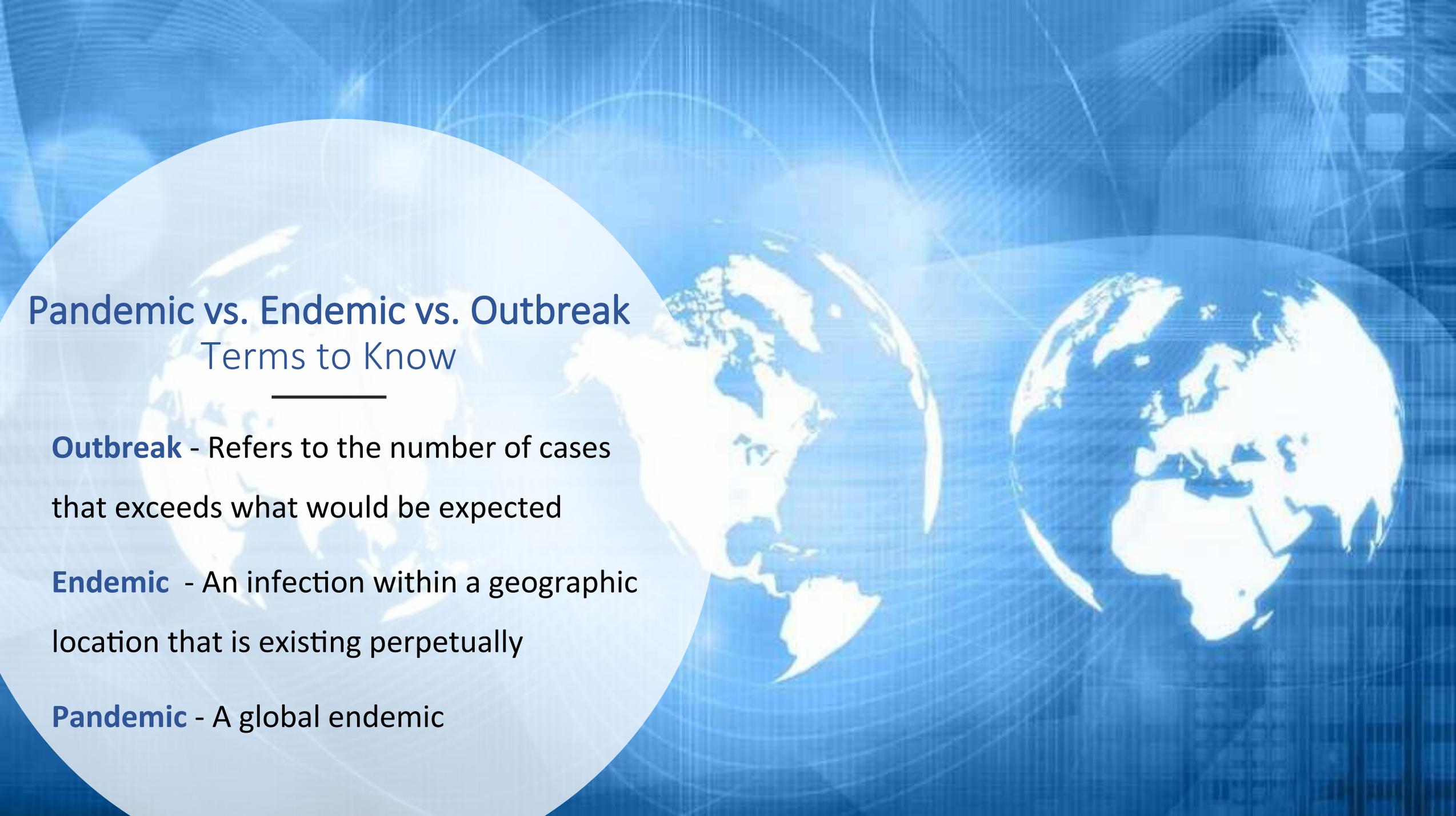
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What is Coronavirus?

- Coronaviruses are a large family of viruses that cause illness ranging from the common cold to more severe diseases.
- More severe diseases such as Middle East Respiratory Syndrome (MERS) and Severe Acute Respiratory Syndrome (SARS) are also Corona Viruses.
- This novel (new) coronavirus CoVID19 ([C](#)orona [V](#)irus [I](#)nfectious [D](#)isease 20[19](#)) is a new strain that had not been previously identified in humans.
- Coronaviruses are zoonotic, meaning they are transmitted between animals and people.



Pandemic vs. Endemic vs. Outbreak Terms to Know

Outbreak - Refers to the number of cases that exceeds what would be expected

Endemic - An infection within a geographic location that is existing perpetually

Pandemic - A global endemic

As of Todays Date

March 16, 2020

- More than 7,131 people have died from CoVID19, and more than 181,728 others have been infected.
- In Canada, there are 406 cases, 65 of them “new”, and 4 reported deaths.
- Concerns arising out of the potential spread of the coronavirus in the Lower Mainland and elsewhere in BC have been raised over the last few days.

While the public risk associated with the Coronavirus in Canada is still considered relatively low, workplaces should prepare for issues that will arise in the wake of large-scale threats to health.



CoVID19

Frequently Asked Questions

What Are the Symptoms?

Once someone has caught the COVID-19 virus it may take between two and 14 days or more to show any symptoms - but they may still be contagious during this time.

If and when they do become ill, typical signs include a runny nose, a cough, sore throat and a fever. Around 97% of patients will recover without any issues or medical help.

In some patients, mainly the elderly or those with long-term illnesses, it can lead to pneumonia.

Pneumonia is an infection in which the insides of the lungs swell up and fill with fluid. It makes it increasingly difficult to breathe and, if left untreated, can be fatal.

Can an employee stay home if they or a family member has flu-like symptoms?

- Your company employment agreements or policies may provide an employee with an entitlement to sick days, which they can use if they develop symptoms associated with Coronavirus, or other flu-like symptoms.
- As a result, employees experiencing flu-like symptoms may use these sick days to seek medical attention, convalesce, or provide care for an affected family member.
- Employers may ask employees experiencing flu-like symptoms to stay home as a precautionary measure to avoid the spread of any virus, including Coronavirus.

Who Pays for Sick Days?

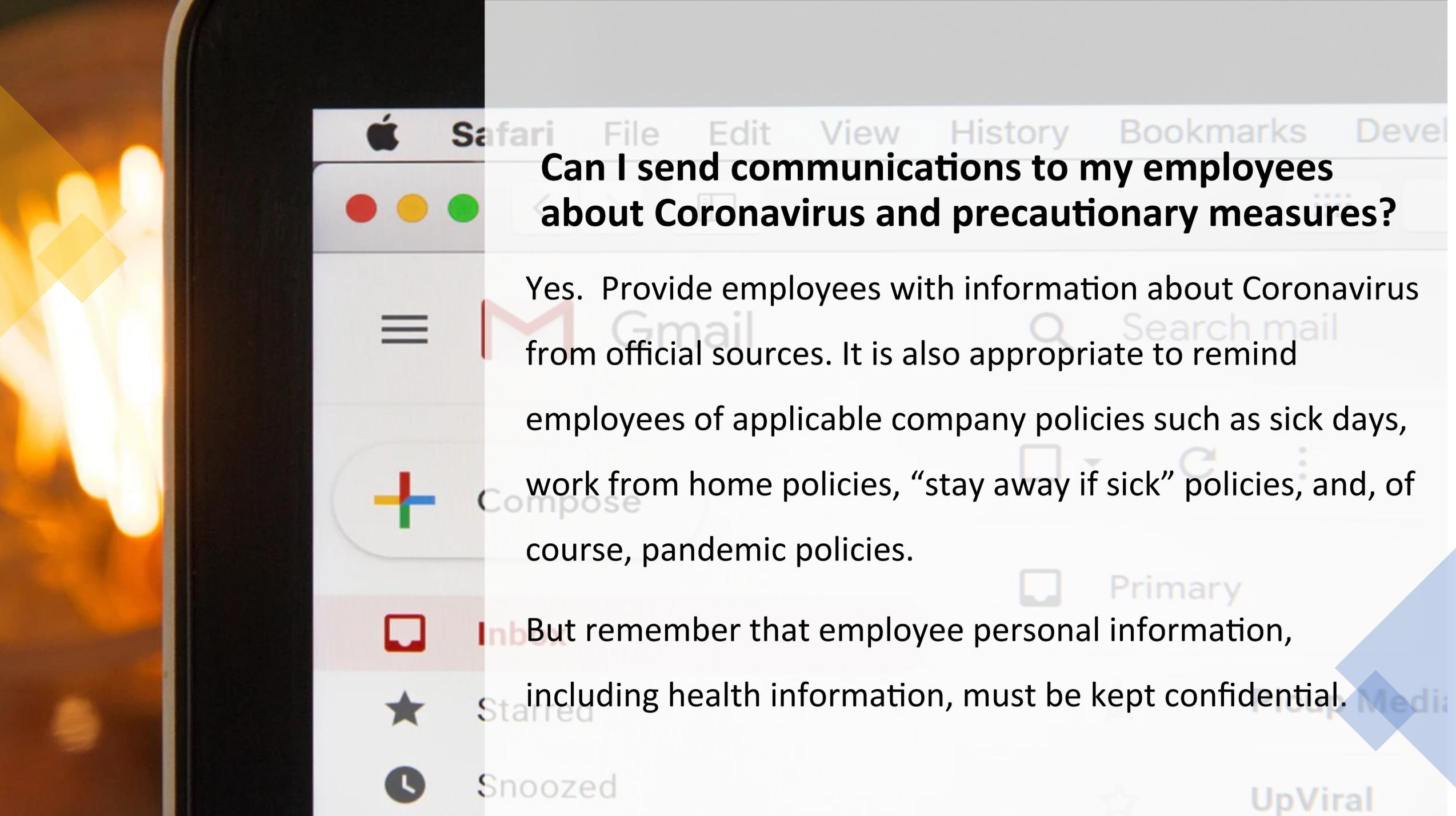
Under BC Employment Standards

- Employers are not required to provide paid sick days in BC- although many do.
- Some employers offer short-term disability coverage for extended absences of limited duration, and long-term disability coverage for more extended absences.
- Formalizing a sick leave policy is prudent. Consider placing a cap on the number of annual days of paid sick leave that you will provide, if any.
- When determining that number consider this: it is not uncommon for someone to take a week to recover from a flu virus. Is it better for the employee to stay home and rest, or would you rather they came to work and potentially infect their co-workers because they couldn't afford to stay home?

Who Pays for Sick Days?

Under Canada Labour Code

- All employees are entitled to unpaid medical leave protection of up to 17 weeks.
- If a medical leave of absence is 3 days or longer, the employer may require that the employee provide a certificate issued by a health care practitioner.



Can I send communications to my employees about Coronavirus and precautionary measures?

Yes. Provide employees with information about Coronavirus from official sources. It is also appropriate to remind employees of applicable company policies such as sick days, work from home policies, “stay away if sick” policies, and, of course, pandemic policies.

But remember that employee personal information, including health information, must be kept confidential.

Something
like this....

MEMORANDUM

To: ALL EMPLOYEES

From:

Date:

Subject: Novel Coronavirus/ Covid-19 - Preparedness

COMPANY NAME is committed to supporting the health and safety of our employees, their families and our communities. We are taking extra caution during the flu season and the emerging public health situation related to the strain of Novel Coronavirus.

Novel Coronavirus is a virus identified as the cause of an outbreak of respiratory illness recently detected in Wuhan, China. Infectious respiratory illnesses can spread when an infected person sneezes or coughs, creating airborne particles. A person can also become infected if they touch a contaminated object or surface and then touch their mouth or nose before washing their hands.

We encourage you to join our efforts to reduce the general risk of transmission. Here are three basic principles of good hygiene you can practice protecting yourself and those around you.

- **Wash your hands properly**
Wash your hands for at least 15 seconds using soap and warm water. Make sure you wash the entire surface of both hands – including between each finger. If soap and water are not available, use just enough hand sanitizer to cover our hands and fingers, then rub your hands together until they are dry.
- **Take care of yourself**
Keep your immune system in optimal condition to fight viruses or bacteria by eating properly, staying fit and getting enough sleep.
- **Help protect others from infection**
When coughing or sneezing, cover your nose and mouth to help prevent the spread of the virus or bacteria.

If you are experiencing flu-like symptoms, especially after recent travel to a confirmed area or have been in contact with those who have, please follow the advice of the World Health Organization.

- Call your supervisor/manager and stay at home to recover faster and protect your coworkers from infection.
- Please stay home until you have seen your doctor and are well enough to return to work.
- COMPANY NAME may require a medical certificate to ensure you are fit to return to work.

For additional information regarding the Novel Coronavirus, visit:

- [World Health Organization – Novel Coronavirus](#)
- [World Health Organization – Advice for Public](#)
- [Centers for Disease Control and Prevention](#)

Thank you for your attention to this important matter.

Not this....



Logo
Name

BAD COMPANY

ATTENTION: ALL STAFF

Re: Coronavirus Outbreak

April 1, 2020

Hey everyone.

You likely heard Bob in Shipping is sick. And as we all suspected he is infected with Corona Virus- and now we probably are too.

Please stay home until further notice.



What if an employee recently returned from travel to an affected area or “hot spot”?

Find out whether there is a reasonable possibility that the employee could have been exposed to Coronavirus during their travels:

- Ask whether they had contact with anyone who is believed to have Coronavirus, whether the employee is experiencing any Coronavirus symptoms (i.e. headache, cough, sore throat, runny nose, fever), and whether the employee travelled to any hot spots in the 14 days prior to the onset of their symptoms.

If your employee answers “yes” to any of these questions, they should seek immediate medical attention.

You have the right to request medical clearance prior to their return to work.



What are employer's health and safety requirements?

- There's an obligation under occupational health and safety legislation to ensure a safe work environment. You must show the Company has exercised due diligence in ensuring the safety of its employees from hazards at work. Possible exposure to coronavirus may be considered a hazard.
- For employees returning from hot spots, you may want to have them self-quarantine.
- If they have been exposed to someone with coronavirus, you should require them to self-identify and self-quarantine. That's a practical step to making sure others in the workplace don't get exposed.
- Involve your joint health and safety committee. CoVID19 should be treated within the same framework as any other health and safety issue.



How should employers deal with a work refusal?

There is a possibility that an employee may panic or overreact. They may say they won't come to work because they are worried about getting the virus, which is effectively a work refusal.

Under the workers' compensation regime in BC, employees have the right to refuse to work in dangerous or unsafe conditions and cannot be disciplined for exercising that right.

A refusal to work must be based on a reasonable assessment of the risk. The employer must investigate. Involve your health and safety committee and determine if there is any basis for the refusal. If there is no basis: nobody in the workplace has been exposed, they don't know anybody who is affected, and appropriate measures have been taken — as an employer you can say, *“We have determined there is no risk. You are obligated to come to work.”*

However you may not want to move directly to discipline. Instead, you might want to say, *“You can take an unpaid leave of absence if you chose not to work”*.

Managing worker fears and concerns is paramount.



How should employers handle employee travel?

- Advise your employees of the parameters. For example: are you imposing a complete ban, or restrictions on travel outside of the country, or restrictions only to certain areas?
- You may also ask employees to disclose personal travel and the need to report back when they return.
- And- if the employee visited a high-risk or hot spot country, they may be required to self-quarantine on return.



How should remote work be handled?

- Ask potentially eligible employees for information with respect to their ability to work from home; computer access, network access, scanner, printer, etc. to help make the determination.
 - Consider the issue of the confidentiality of your documents: does their work require confidential or privileged documents? Take all precautions to ensure your information is protected outside of the workplace.
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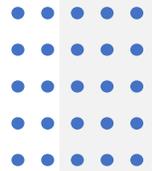
What happens
if your
workplace
must
temporarily
close because
of the virus?

If you must reduce operations or even shut down, this would result in “layoffs”.

In a unionized environment, you would simply lay off employees as per the collective agreement.

For non-unionized employees there may be an issue as to whether the “layoff” would trigger a constructive dismissal.

Seek counsel.



Can employers force employees to use sick days or vacation days?

In a unionized environment, the collective agreement sets out how these days are used. Forcing employees who have been told to self-quarantine to use them would likely result in a grievance, because it is ultimately an employee benefit, and up to the employee as to when they use them.

The more reasonable approach is that employees who are sick would access their available sick days and apply for other “leave” benefits if necessary.

For non-unionized employees: if sick, they would apply for whatever benefits are available. If no benefits are available, they may be on an unpaid leave- or could access government assistance.

More on sick days.....

If there are no company provided sick leave benefits for an employee who is sick or who has been asked not to attend the workplace, the federal government has indicated they will eliminate the waiting period or reduce it for those who need assistance (*see next slide*).

However, as an employer you may make the decision to grant additional sick leave days during this “pandemic”. As much as you may want to help, remember the potential impact of that decision, and the precedence that you may be setting.

•For example, in a scenario where up to 70 per cent of your workers could be off work, at home, on pay, for an undetermined amount of time- the question is “For how long is that financially sustainable”?

Even more on sick days....

While providing paid sick days in BC is not required, the law does provide options your employees may access, such as *Family Responsibility Leave, Compassionate Care Leave or Employment Insurance (EI)*.

- *Family Responsibility Leave* is an unpaid leave of up to 5 days per year. This leave is designed to help employees meet responsibilities that relate to the care & health of their immediate family.

- *Compassionate Care Leave* provides that all employees are entitled to unpaid leave within specified annual periods to care for a gravely ill family member.

- For Family, Compassionate and other Work Leave information- please refer to Government of Canada or Government of BC websites.

- *Employment Insurance* may be applicable if an employee is not able to work because of illness, injury, or quarantine; they may qualify for up to 15 weeks of EI sickness benefits.



Can an employer terminate an employee due to illness, such as Coronavirus?

No, employers may not terminate or discriminate against an employee due to physical disability *(which includes illness)* under human rights legislation. Employers are obligated to accommodate the employee to the point of 'undue hardship.'

What precautionary measures can employers take?

Education:

- Educate employees about the common-sense precautions that can be taken to avoid the transmission of Coronavirus.

Self-quarantine:

- Self-quarantine may be particularly helpful where your employee has returned from an affected area but has not yet experienced any Coronavirus symptoms. Work with these potentially impacted employees regarding work from home arrangements where possible.

Ask employees to stay home:

- If you have a reasonable basis to believe an employee may have been exposed to Coronavirus, you may request they work from home for a 14-day period (the incubation period of Coronavirus based on current information) or provide medical clearance to return to work.
- Employees who refuse to stay home when ordered to do so may be prevented from entering the workplace and may be disciplined in accordance with existing employment agreements and policies.

What if multiple employees call in sick and an employer needs healthy employees to work additional hours to compensate?

Equally as important as managing sick employees is the effective management of your healthy employees.

During this pandemic, it is important not to overwork your healthy workers. The BC Employment Standards Act & the Canada Labour Code outlines all requirements governing overtime and additional hours that may be required of healthy workers.



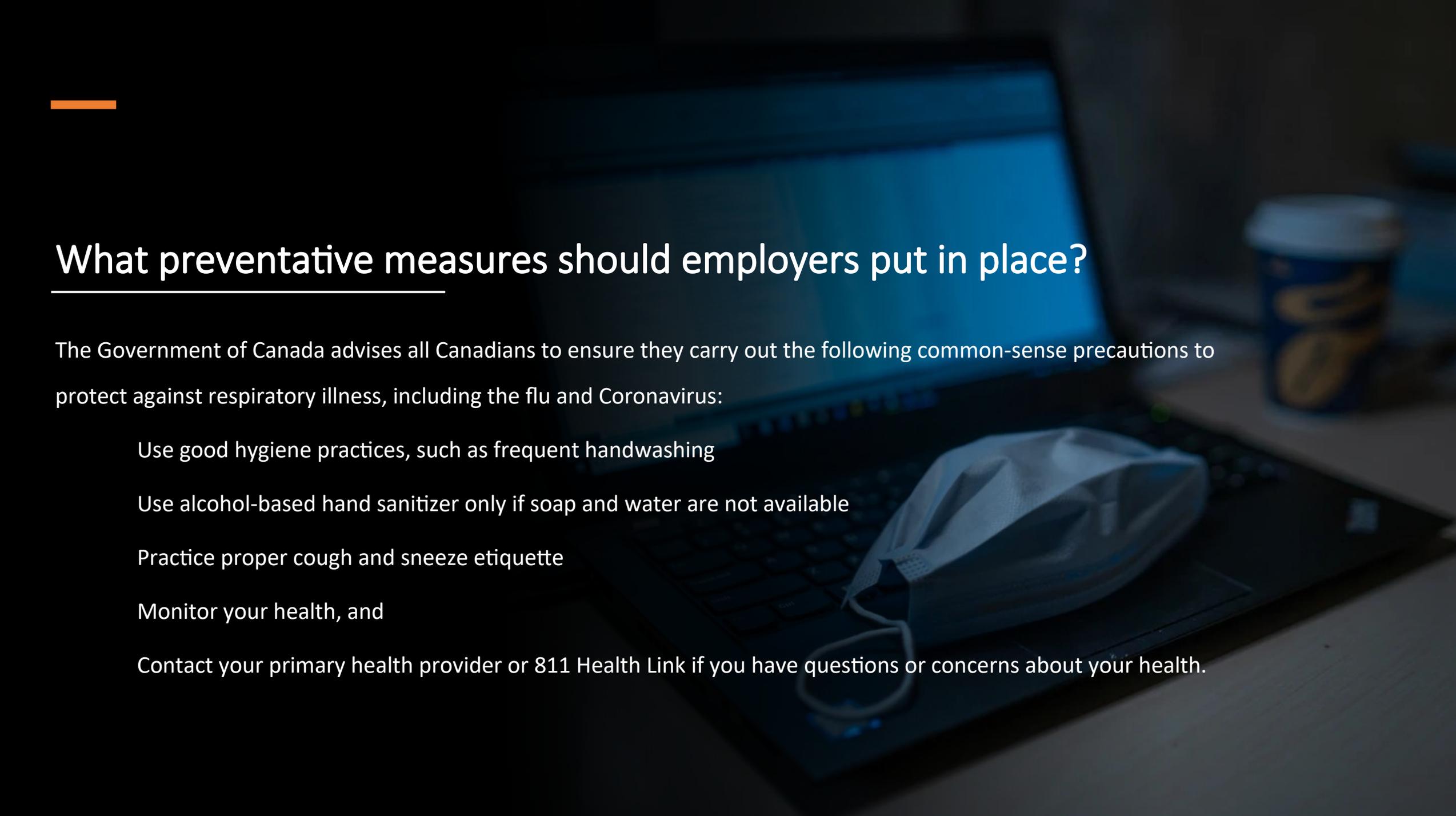
What can an employer do to ensure they do not unintentionally discriminate against an employee?

Remember your employees are protected from discrimination in employment under human rights law.

Ensure no employee is subjected to discrimination resulting from a misplaced perception that they are the carrier of a communicable disease.

Example: During the outbreak of SARS in the early 2000s, members of the Asian community were wrongly singled out as potential carriers of the disease because of the unfounded perception that SARS was an “Asian disease”.

Any employee subjected to this sort of illegal stereotyping may have a claim for prohibited discrimination in employment, be it on the ground of perceived disability, race, colour, ancestry, place of origin or otherwise.



What preventative measures should employers put in place?

The Government of Canada advises all Canadians to ensure they carry out the following common-sense precautions to protect against respiratory illness, including the flu and Coronavirus:

Use good hygiene practices, such as frequent handwashing

Use alcohol-based hand sanitizer only if soap and water are not available

Practice proper cough and sneeze etiquette

Monitor your health, and

Contact your primary health provider or 811 Health Link if you have questions or concerns about your health.



Reporting Requirements

BC Public Health Authority
hotline: 811

Or, your local public health
department.

Sources, Resources & Links

The BC Centre for Disease Control (BCCDC) has information regarding the coronavirus and early detection and containment of the disease available online:

<http://www.bccdc.ca/about/news-stories/stories/2020/information-on-novel-coronavirus>.

Centers for Disease Control & Prevention: Interim Guidance for Businesses and Employers [dc.gov/coronavirus/2019-ncov/community/guidance-business-response.html](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html)

WorkSafeBC has published guidance material, 'Controlling Exposure: Protecting Workers From Infectious Diseases', that address an employer's obligations in these circumstances.

BC Centre for Disease Control Information Page

Designed in an easy to digest, frequently asked questions format, the BC Centre for Disease Control Information Page contains answers to many common questions surrounding COVID-19.

U.S. Center for Disease Control - Interim Guidance for Businesses and Employers COVID-19

This comprehensive document contains strategies businesses can implement immediately to lessen the risks their team members face from COVID-19. Originally produced for a U.S. audience, the common-sense tips can be easily implemented by Canadian businesses.

Healthlink BC COVID-19 Latest Updates

Healthlink BC's information page contains general updates regarding COVID-19 news, prevention tips and information on self-monitoring/self-isolation. Their **8-1-1** number allows anyone with COVID-19 concerns to speak to a health service navigator at any time who can provide information and advice.

Province of British Columbia Pandemic Preparedness Plan

The provincial government is currently drafting a specific COVID-19 pandemic plan based on the existing BC Pandemic Influenza Response plan. As new COVID-19 materials are produced, they will be published on this page. Visitors can also reference earlier, flu-specific pandemic plans for reference.

Office of the BC Provincial Health Officer - COVID-19 Updates

To support BC's health care providers, this web resource has been established to provide a centralized, current, and evidence-based source of information about this emerging health issue in BC.

Canadian HR Reporter https://www.hrreporter.com/employment-law/news/7-key-questions-for-employers-dealing-with-covid-19/327403?utm_source=GA&utm_medium=20200312&utm_campaign=Newsletter-20200312&utm_content=206DF1DD-84E3-4767-8471-F38A7793AA94&tu=206DF1DD-84E3-4767-8471-F38A7793AA94



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