

April 1, 2020

## Caring for a Living

The Community Social Services Bargaining Association of Unions collectively represents more than 15,000 community-based social service workers in British Columbia.

To: **CSSBA Members**

### **COMMUNITY SOCIAL SERVICES Bargaining Association Joint Communication on COVID-19 Health and Safety Obligations**

BC Government and Service Employees' Union (BCGEU)

Canadian Union of Public Employees' (CUPE)

Hospital Employees' Union (HEU)

Health Sciences Association of BC (HSABC)

Construction and Specialized Workers' Union Local 1611 (CSWU)

United Food and Commercial Workers' Union Local 1518 (UFCW)

United Steelworkers of America (USW)

Service Employee's International Union (SEIU)

BC Nurses' Union (BCNU)

Christian Labour Association of Canada (CLAC)

The Community Social Services Bargaining Association represents workers in B.C. under the Community Living, Indigenous Services, and General Services sectoral collective agreements. Our caring professionals provide vital services to women fleeing violence, adults and children with developmental disabilities, child care, the homeless, as well as providing supports to youth and families. We support the most vulnerable citizens of British Columbia. We know our members have a lot of health and safety-related questions about what is happening in their workplaces during the COVID-19 pandemic. Below, we have put together responses to some common questions.

It is important to emphasize that the information and recommendations about COVID-19 in B.C. are changing rapidly, and some information could become out of date quickly. Please keep this in mind and refer to official sources like the BC Centre for Disease Control ("BCCDC") for the most current advice.

Below are answers to the following questions:

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[What if my supervisor or a co-worker is ill and still at work?](#)

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### What should my employer be doing to protect my health and safety?

During this pandemic, employers must take all reasonable precautions to protect the health and safety of workers - it is not "business as usual." Employers should be identifying and assessing the risk of exposure to the coronavirus in your workplace and implementing preventive measures to eliminate or reduce the risk of exposure.

WorkSafeBC has developed some guidance for employers which is available here:

<https://www.worksafebc.com/en/about-us/covid-19-updates/health-and-safety/what-employers-should-do>.

Key actions employers should take are to:

- Curtail non-essential work and have workers work remotely where possible.
- Ensure workers do not come to work if:
  - They have COVID-19-like symptoms (sore throat, fever, sneezing, coughing and/or difficulty breathing); these workers should be told to self-isolate at home for at least 10 days from the onset of symptoms
  - They have travelled internationally (these workers must self-isolate for 14 days)
  - They share a residence with a person who has been exposed to COVID-19
- Put physical/social distancing measures in place, including by:
  - Reconfiguring the workplace to maintain distance between workers (2 metres)
  - Limiting access to worksites
  - Limiting worker participation in in-person gatherings
  - Limiting worker travel
- Put physical/social distancing measures in place wherever possible when supporting clients
- Educate workers on health and safety measures to prevent transmission of infectious disease
- Increase workplace cleaning, provide the necessary supplies and training, reinforce personal hygiene (washing hands, coughing/sneezing etiquette, etc.) to workers.

Here are some helpful sites that relate to child care educators and providers:

- Public Health Agency of Canada guidance for schools and childcare programs:  
<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/health-professionals/guidance-schools-childcare-programs.html>
- BCCDC page for Childcare & Schools: <http://www.bccdc.ca/health-info/diseases-conditions/covid-19/childcare-schools>

Other sources of information:

- BCCDC information for employers: <http://www.bccdc.ca/health-info/diseases-conditions/covid-19/employers-businesses>



- World Health Organization information on getting your workplace ready for COVID-19:  
<https://www.who.int/docs/default-source/coronaviruse/getting-workplace-ready-for-covid-19.pdf>

### **What if my supervisor or a co-worker is ill and still at work?**

If you witness a co-worker or employer representative at work with symptoms that are consistent with COVID-19, you should report it to your supervisor or manager. Symptoms include sore throat, fever, sneezing, coughing and/or difficulty breathing. A summary of symptoms is available from the BC Centre for Disease Control:

<https://bccdc.ca/health-info/diseases-conditions/covid-19/about-covid-19/symptoms>.

You have the right to be directed to work a safe distance apart from that individual. Workers always have the right to refuse unsafe work as per Section 3.12 of the *Occupational Health and Safety Regulation* (see below), but the employer can assign you to other work that is safe as a response to a work refusal.

Whether or not the illness has been confirmed as COVID-19, your union expects employers to ensure that workers who are ill do not come to work, and that clients that are ill remain home (if they are not in residential care of some kind). WorkSafeBC provides information directing employers to do this here:

<https://www.worksafebc.com/en/about-us/covid-19-updates/what-employers-should-do>

### **What if I am at work and my client appears to be sick?**

**Stop and tell your supervisor immediately if your client and/or other individuals in the home (this could be in a private residence, group home or long-term care facility) show symptoms of COVID-19.** These symptoms include sore throat, fever, sneezing, coughing and/or difficulty breathing.

If you are not clear about the safe procedure for caring for your client and/or you do not have the personal protective equipment (PPE) you believe you need, **stop and tell your supervisor immediately.**

The employer must assess if it is safe for you to enter the home or to continue providing care for your client. Has the employer provided you with training and safe work procedures to deal with a person with COVID-19? Has the employer provided you with the proper personal protective equipment (PPE)? Have you received training on how to take your PPE on and off? Has the employer given you direction on how to dispose of contaminated materials? **Your employer must answer these questions BEFORE you do the work.**

### **What are my employer's obligations when there is a suspected or confirmed COVID-19 case at the worksite?**

Employers should be prepared to respond if someone at work becomes ill. Your union expects that employers will:

**Ensure the health and safety of workers providing care or services to people with COVID-19 (probable or confirmed).** Some COMMUNITY SOCIAL SERVICES workers may be providing care or services to people with suspected or confirmed COVID-19. Overall, it is the responsibility of the employer to ensure workers are properly informed, trained, equipped and supervised when working in settings where there is a risk of exposure to COVID-19. Your union expects that the employer will provide timely, specific and clear direction to workers on the infection control protocols they will follow to avoid exposure to the virus. We expect the employer to ensure there is sufficient Personal Protective Equipment (PPE) on hand for workers and that they provide the training to use it.

**Otherwise ensure workers or clients (where possible) with confirmed COVID-19 or COVID-19 symptoms, or others required to self-isolate are not allowed in the workplace.** The current advice from public health authorities is that anyone with symptoms consistent with COVID-19 should self-isolate for 10 days. If your client is in a group home or care facility, the employer must have protocols in place to ensure isolation of that person, in addition to protection for you.

**Inform workers and/or clients who may have been exposed as soon as possible.** In so doing, employers should take reasonable measures, to the extent possible, to protect the identity of any employee that is ill or has contracted COVID-19.

Public health authorities currently recommend that anyone who has provided care or had close contact with a person with COVID-19 (probable or confirmed) while they were ill or had symptoms (cough, fever, sneezing, sore throat, or difficulty breathing) should self-isolate for 14 days. Close contact is defined as living in the same household, having sexual contact, and/or providing care without appropriate PPE.

**Advise workers on what to do next.** Employers should advise workers who have been exposed to anyone confirmed to have COVID-19, or to anyone with possible symptoms of COVID-19, to call HealthLink BC at 8-1-1 for an assessment and to determine any necessary next steps. Workers can also use the self-assessment tool to quickly assess whether they will be required to self-isolate. (<https://bc.thrive.health/>)

**Contact public health authorities for advice and assistance.** Although employers are not obligated to report a suspected or confirmed case of COVID-19 to federal or provincial health authorities (this is the responsibility of medical professionals), if an employee in the workplace is diagnosed, employers should contact public health authorities to receive advice and assistance in identifying contacts that the infected employee had in the workplace.

**Take steps to prevent additional exposure.** Employers should ensure prompt and corrective action is taken to eliminate or mitigate conditions or activities that could result in ongoing workplace exposure to the virus. Incident investigations should be conducted as needed in order to identify ways to prevent exposure(s) from occurring again in the future. This requires the involvement of Joint Safety and Health Committee members or worker representatives. Strategies may include conducting additional cleaning, readjusting activities in the workplace to ensure physical/social distancing is maintained, and/or implementing other safe work procedures to better protect workers.



**Ask workers limited questions about their health.** Your employer may ask you limited questions about your health in the context of this pandemic. This would include questions such as whether you are experiencing symptoms of COVID-19 or have been exposed to individuals with those symptoms.

**Notify WorkSafeBC if the infection occurred at the workplace.** If a worker becomes ill and the infection occurred at the workplace or in the course of employment, WorkSafeBC must be notified. Employers should submit claims online or by submitting a Form 7 (Employer's Report of Injury or Occupational Disease). Directions for employers are available here: <https://www.worksafebc.com/en/claims/report-workplace-injury-illness/how-employers-report-workplace-injury-illness>.

Workers that believe they were infected at work should make a claim by phoning 1-888-WORKERS (1-888-967-5377), or by submitting a Form 6 (Application for Compensation and Report of Injury or Occupational Disease). Instructions for workers are found here: <https://www.worksafebc.com/en/claims/report-workplace-injury-illness/how-workers-report-workplace-injury-illness>

**Keep a record of employees that have been exposed at work.** Employers are required by the *Occupational Health and Safety Regulation* (section 6.34(h)) to keep a record of employees that have been exposed to a hazardous biological agent at work, which would include exposure to COVID-19.

**\*\*Note that these expectations are supported by requirements under OHS legislation and regulations. The Workers' Compensation Act and OHS Regulation can be accessed and searched here:**

<https://www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation>.

### **What should our Joint Safety and Health Committee be doing during this crisis?**

Article 22.3 of your Collective Agreement sets out the structure and purpose of your Joint Safety and Health Committee. It (and related legislation) requires that the Committee meet at least monthly or, to deal with urgent situations, at the call of either party. Those meetings should continue to occur on this basis and where matters cannot be resolved at the Committee level, union appointees should contact their union representatives for support. If your employer is agreeable, more frequent meetings could be held to discuss the many issues that are arising in your workplaces as a result of COVID-19.

### **Do I, as a worker, also have some health and safety obligations?**

Section 116 of the *Workers' Compensation Act* (General Duties of Workers) requires workers to follow safe work procedures, and to take reasonable care to protect their own health and safety, and the health and safety of others. Workers are also required to report any hazards to their supervisor. In the context of this pandemic, this means that:

- Workers need to inform their employer if they are having symptoms consistent with COVID-19;
- Workers need to comply with workplace policies and procedures;
- Workers should comply with directions from public health officials;



- Workers should tell their supervisor if they are aware of others in the workplace exhibiting symptoms; and
- Workers should tell their supervisor if they have been exposed to a communicable disease (COVID-19) outside of the workplace.

### **Do I need to wear a mask at work?**

In general, masks are not required to be worn where COVID-19 is not suspected or confirmed. Most of our community social services workers will not generally require a mask at work, but there are exceptions. The BC Centre for Disease Control provides advice about wearing masks here:

<http://www.bccdc.ca/health-info/diseases-conditions/covid-19/common-questions>.

Masks should be used by sick people to prevent transmission to other people. A mask will help keep a person's droplets in. We recognize that many of the clients you serve cannot or will not wear a mask because of underlying mental or physical challenges. Your employer must assess the risk these clients may pose to workers and provide you with appropriate safe work procedures and PPE.

Healthcare workers, including some of our community social services paraprofessionals, individuals working in long-term care and assisted living facilities, those providing direct care to clients (dressing, feeding, toileting, bathing, administering medication) and some others will be required to wear a mask when they are providing direct care to patients, clients or residents. The current direction from provincial health authorities regarding PPE for their staff is:

- All health care workers and staff who have direct contact with patients in acute care, critical care, long-term care, and community care must wear a surgical / procedural mask, eye protection and gloves for all patient interactions.
- This requires extending the use of mask and eye protection:
  - One mask per shift, changing the mask if it is too damp, soiled, or damaged for safe use, and/or changing the mask if the health care worker's shift includes a meal break;
  - Eye protection (i.e., eye goggles or face shield) to be used throughout the shift with appropriate cleaning protocols at shift end. When goggles and face shields are depleted, safety glasses can be used with the same cleaning protocols in place;
  - Gloves must be changed between patients.
- All health care workers and staff who have direct contact with patients who have been diagnosed with COVID-19 must engage in routine droplet and contact precautions, which includes a gown.

During health-care procedures where aerosols may be generated (for example, when giving certain inhaled medications), healthcare workers should observe airborne, droplet and contact precautions, which includes wearing specialized masks (N95 or similar).



It is important to note that the use of PPE (gloves, gowns, eye protection/face shields, masks, etc.) must be in the context of an overall exposure control plan prepared by your employer that includes other measures (screening, social distancing, hand and respiratory hygiene, enhanced cleaning, etc.) to eliminate or mitigate exposure to the coronavirus.

### **What if I have an underlying health condition that makes me more vulnerable to complications arising from exposure to COVID-19?**

The BCCDC and the Ministry of Health provide information about COVID-19 for people with chronic health conditions here:

<http://www.bccdc.ca/resource-gallery/Documents/Guidelines%20and%20Forms/Guidelines%20and%20Manuals/Epid/CD%20Manual/Chapter%201%20-%20CDC/COVID-19-Handout-chronic-disease.pdf>

Current information suggests that older people with chronic health conditions such as diabetes, heart disease and lung disease are at higher risk of developing more severe illness or complications from COVID-19. Although most people with COVID-19 recover, people with chronic diseases are also at higher risk of death if they become ill. Some of the clients you support have these conditions and are thus more vulnerable to complications from COVID-19.

BCCDC says people that are at higher risk should follow general preventative strategies against infection, and should they become ill, they should seek medical help early. For these individuals, the best way to currently protect themselves from COVID-19 is:

- Protective self-isolation and maintaining social distance
- Taking additional precautionary measures, such as washing hands regularly and avoiding touching their face
- Stay away from other people who are ill, and if they are sick themselves, to stay away from others

According to the BCCDC (<http://www.bccdc.ca/health-info/diseases-conditions/covid-19/vulnerable-populations/children-with-immuno-suppression>), protective self-isolation means staying separate from other people as much as possible. This includes:

- Avoid people who have a cough, cold or flu symptoms
- Avoid people who have been in contact with someone who may have had COVID-19 in the last 14 days
- Avoid people who have traveled outside the country in the last 14 days
- Avoid crowds and places that many people pass through
- Avoid groups of children or people
- When indoors, and in closed spaces, stay at least 2 metres from other people

It is important for all community social services workers to know that if their employer is not ensuring workers with health conditions are able to follow this advice, they have the right to refuse unsafe work. Refusing unsafe work is a step-by-step process outlined below. Workers may also request a medical accommodation or a COVID-19 related leave without pay under newly enacted legislation.

### **Medical Accommodation**

This option is only available to members with an ongoing medical condition that meets with the definition of physical disability pursuant to the *Human Rights Code* of BC. Where an employee advises the employer that they have a physical disability that makes them vulnerable to complications if they contract the virus, (particularly where social distancing is not fully implemented and/or particularly if someone present at the worksite is advised by the Medical Health Officer to self-isolate for 14 days and have decided not to), the Employer's duty to accommodate is initiated. That means that the employer is expected to take steps to the point of undue hardship to attempt to accommodate your disability. This may mean restrictions or limitations on the work you presently do or some other form of work.

The medical accommodation process is formalized by a written request for medical accommodation pursuant to the *Human Rights Code*. An email is acceptable for this purpose. Our members need to make sure they include what accommodation they are requesting and what is the nature of their medical condition. Members may provide this information to Occupational Health or their Human Resources department if they are concerned about medical privacy. The second document required in a formal medical accommodation is a medical letter from your doctor confirming your medical condition and advising of the restrictions or limitations required to your work to accommodate your medical condition and how long the accommodation is required. Since it is not recommended to go to your doctor unless absolutely necessary right now, members are encouraged to try an informal approach first. Ask your steward to assist you or seek guidance from your union representative.

### **Leave of Absence under the *Employment Standards Act***

Last week the provincial government made changes to the *Employment Standards Act* that specifically address issues arising from the COVID-19 pandemic. An employee can take unpaid, job-protected leave related to COVID-19 if they're unable to work for any of the listed reasons. You can access those reasons here:

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/time-off/leaves-of-absence#covid19>.

This leave is retroactive to January 27, 2020, the date that the first presumptive COVID-19 case was confirmed in British Columbia.

### **What if I feel the work I am expected to perform is unsafe?**

If you feel that your health and safety is at risk, you have the right to refuse unsafe work and expect the employer to respond as per the process laid out in the *Occupational Health and Safety Regulation*. The



procedure for refusing unsafe work is outlined below in simplified terms. More detailed information about the work refusal process is available here: [https://www.bcgeu.ca/your\\_right\\_to\\_refuse\\_unsafe\\_work](https://www.bcgeu.ca/your_right_to_refuse_unsafe_work)

**Step 1:** Inform your immediate supervisor or employer that you are refusing unsafe work under *Occupational Health and Safety Regulation* section 3.12. The employer must then investigate your concerns and make the work safe for you. If the employer does not agree with your belief that the work is unsafe, go to step 2.

**Step 2:** The employer must include a union representative or Joint Safety and Health Committee ("JSHC") representative to investigate your concerns. If no union representative or JSHC representative is available, then the worker gets to choose another worker to assess the situation. If the worker still believes the work is unsafe, go to step 3.

**Step 3:** The worker and employer together call WorkSafeBC to inform them of a refusal of unsafe work. WorkSafeBC is expected to investigate without undue delay and assess and make their determination. In the meantime, the employer can assign you to a different task while the matter is being investigated. Only when WorkSafeBC says it is safe to resume the refused work, can you carry out the work.

**The Employer cannot discriminate or retaliate against you for asserting that work is unsafe.**

There are "no discrimination" provisions in the *Workers' Compensation Act* (sections 150-153) to protect workers from any adverse treatment due to a work refusal. Article 22.4 of your collective agreement includes these same protections against reprisals for refusing unsafe work. In addition, a worker cannot lose pay while asserting their rights under the refusal of unsafe work provisions in the *Occupational Health and Safety Regulation*.

**IMPORTANT: If you are exercising this right in your workplace, please keep your JSHC members, steward and your union representative informed.** These resources and staff can assist you with your concerns and support you through this process.

**Due to the nature of my work, I cannot maintain physical/social distancing and I haven't been issued PPE (personal protective equipment) like gloves, masks and gowns. What should I do?**

Overall, it is the responsibility of the employer to ensure workers are properly informed, trained, equipped and supervised when working in settings where there's risk of exposure to COVID-19. Your union expects that the employer will provide timely, specific and clear direction to workers on the infection control protocols they will follow to avoid exposure to the virus. We expect the employer to ensure there is sufficient Personal Protective Equipment (PPE) on hand for the workers that need it and that the employer provides appropriate training in its use.

According to infection control guidelines from the Public Health Agency of Canada (outlined by the BCCDC here: <http://www.bccdc.ca/health-professionals/clinical-resources/covid-19-care/infection-control/personal-protective-equipment>), contact and droplet precautions are required when providing care for confirmed COVID-19 patients, or for clients under investigation for COVID-19. These precautions involve workers wearing



gloves, a surgical mask, face shield and a long-sleeved gown. Aerosol-producing medical procedures require additional PPE, including an N95 or similar mask.

If you do not have the PPE you need for an assigned task, **stop and speak with your supervisor**. Workers have the right to refuse unsafe work as per Section 3.12 of the *Occupational Health and Safety Regulation* as described above.

### What if I am concerned about my or others' mental health?

This is a very stressful time for many people and their friends, family and coworkers. If you or the people you care about need support, please go to the Ministry of Health website for some useful guidance and resources: <https://www2.gov.bc.ca/gov/content/health/managing-your-health/mental-health-substance-use/managing-covid-stress>

If you have specific questions about COVID-19, please direct your inquiries to your union representative.

In solidarity

*Andrea K. Davis*

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move**up**  
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CUPE members can also use the resources posted on the CUPE BC and CUPE National websites:

[https://www.cupe.bc.ca/information\\_on\\_covid\\_19\\_for\\_cupe\\_members\\_in\\_b\\_c](https://www.cupe.bc.ca/information_on_covid_19_for_cupe_members_in_b_c)

<https://cupe.ca/covid-19>