

# RIGHTS AND RESPONSIBILITIES IN THE TIME OF COVID-19

MAY 26 - BCFED HEALTH & SAFETY CENTRE

Thank you for joining us on the webinar: Rights and Responsibilities in the Time of COVID-19, hosted by the BCFED HEALTH & SAFETY CENTRE.

This outline is being provided to give participants an overview of the presentation and a resource to share with others. The content covers the legal responsibilities of the parties in workplace and worker's health and safety rights. An explanation of the impact of COVID-19 on these rights and responsibilities and an evaluation of what these will look like as workplaces resume operations.

## OH&S RESPONSIBILITIES

April 6th, 2020: the updated Workers Compensation Act of BC (WCA) took effect in the province of British Columbia, the numbers of the sections have changed but responsibilities have not.

**Under both provincial and federal legislation there are legal responsibilities:**

- [WCA S. 21](#): Employer responsibilities
- WCA S. 22: Worker responsibilities
- WCA S. 23: Supervisor responsibilities
- [Canada Labour Code S. 124-5](#): Duties of employers
- Canada Labour Code S. 126: Duties of employees

OH&S rights and responsibilities are present in all health and safety legislation, no matter where you work.

## OH&S RIGHTS

**What are our OH&S rights?**

- The Right to Know
- The Right to Participate
- Right to Refuse Unsafe Work
- Right to Protection in relation to prohibited action (the right to no discriminatory action)

### Right to Know:

The right to know has not changed; workers must be informed of the hazards that are present, or likely to be present, in the workplace.

- Employers cannot presume that all workers are fully informed on the hazard posed by the virus.
- Different tasks present different levels of risk.
- Privacy rights must be respected.

### Right to Participate:

Joint Health and Safety Committees have not been suspended and their involvement in consulting, advising and collaborating with the employer is vital in controlling the exposure of COVID-19 in the workplace

- The committee is more important now than ever.
  - The responsibilities of the committee under legislation have not changed.
  - This includes inspections and investigations.
  - Meetings can be conducted in multiple, contactless formats.
- Exposure control plans must be developed in consultation with the committee.
- You as a worker still have the same rights to participate.

### Right to Refuse:

Workers in BC have the right to refuse work if they believe it presents an undue hazard. An undue hazard is an "unwarranted, inappropriate, excessive, or disproportionate" risk, above and beyond the potential exposure a general member of the public would face through regular, day-to-day activity. This fundamental right has not changed due to the COVID-19 pandemic.

- The steps of a lawful [refusal of unsafe work](#) must be followed.
- Each refusal will be determined on its merits.
- Specific consideration for the individual worker will be made.
- Controls in place, possibility of distancing, presence of the virus in community and other factors will be considered.

### Right to no Prohibited Actions:

Workers are [not to be punished for exercising their rights at work](#), including following the orders of the Provincial Health Officer.

This includes:

- Suspension, layoff or dismissal
- Demotion or loss of opportunity for promotion
- Transfer of duties, change of location of workplace, reduction in wages or change in working hours,
- Coercion or intimidation
- Imposition of any discipline, reprimand or other penalty
- The discontinuation or elimination of the job of the worker

## IMPACT OF COVID-19 ON THESE RIGHTS AND RESPONSIBILITIES

Workplaces today are very different than they were a month ago.

- Some workers have been recognized as essential.
- For some, this has meant an increased workload.
- Some of us are now working from home (remotely).
- Some workplaces have new restrictions and protections in place.
- As a result, some of us are newly working alone.
- Some of us are encountering new challenges in our interactions with other workplaces.
- Meetings are taking place virtually.

[Employers](#) and [workers](#) both have responsibilities to a healthy and safe workplace.

It is a responsibility of all parties to follow the directions of the Provincial Health Officer. Nevertheless, occupational health and safety regulations are still in force, including those on ergonomics, violence and working alone or in isolation.

EMPLOYER	WORKER	SUPERVISOR
<ul style="list-style-type: none"> <li>• Exposure Control Plan</li> <li>• Engineering Controls</li> <li>• PPE</li> <li>• Regulations still in Force</li> <li>• Working Alone</li> <li>• Ergonomics</li> <li>• Violence</li> <li>• Mental health</li> </ul>	<ul style="list-style-type: none"> <li>• Staying at home if sick</li> <li>• Following new procedures (PPE)</li> <li>• Utilize your OH&amp;S Rights</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure workers understand hazards posed by COVID-19</li> <li>• Apply employer's health and safety program</li> </ul>

## RECOVERY

This pandemic will end, and workplaces will begin to recover. The [recovery will be gradual](#), and the Joint Health and Safety Committee must be involved.

- The Provincial Health Officer will continue to issue orders and guidance for the recovery.
- We must not forget what has been learned in response to this crisis.
- Our workplaces may forever be changed by our understanding of this pandemic.

The importance of the JOHS involvement in the recovery phase and that short cuts are not an option. There is full responsibility to have a safe workplace and we each have the rights to make that happen.

## RESOURCES

- [Workers Compensation Act and Occupational Health and Safety Regulation](#)
- [Canada Labour Code](#)
- [BCFED Health & Safety Centre rights and responsibilities](#)
- [BCFED COVID-19 resource page](#)
- [Orders, notices and guidance from the Provincial Health Officer](#)
- [WSBC exposure control plan for biological agents and first aid attendants](#)
- [WSBC guide for employers on preventing exposure to COVID-19](#)
- [WSBC ebook: Controlling Exposure: Protecting Workers from Infectious Disease](#)

## CONTACT THE BCFED HEALTH & SAFETY CENTRE:

**Email:**  
[ohsadmin@bcfed.ca](mailto:ohsadmin@bcfed.ca)

**Website:**  
<https://www.healthandsafetybc.ca/about/contact/>

We hope that you stay healthy and safe during this crisis and we look forward to staying connected with you.



## FOR MORE INFORMATION:

**BCFED Health & Safety Centre: 1-888-223-5669**

**WorkSafeBC: 1-888-621-SAFE**

**ESDC Labour Program: 1-800-641-4049**

If you are a member of a union in BC, contact your union local.