



The Pandemic of COVID-19 has had drastic effects on the construction Industry and has created unprecedented challenges for Employers in terms of how to manage their worksites and their Employees. There has been so much information put out there on how these situations should be managed. There have been communications sent out from the Government, Unions and various Associations on how certain employment situations should be handled. As an Employer it is very difficult to sift through all of this information. In order to assist you with managing all this information and based on the results from the recent survey that we had sent to the membership, we have provided a list of frequently asked questions. We will be updating the list as we receive further information from the government and other agencies as the situation evolves.

What are the common symptoms for COVID-19 and what should an Employers advise Employees who exhibit these symptoms?

The common symptoms are fever, coughing, sneezing, sore throat and difficulty breathing. Anyone displaying those symptoms should use the BC Government Self Assessment Tool at <https://covid19.thrive.health> and should remain off work and self-isolate. There is more detail on self-isolation, including the recommended periods of self-isolation in different circumstances, on the BCCDC website at: <http://www.bccdc.ca/health-info/diseases-conditions/covid-19/testing-isolation>.

What should an Employee do if they have had close contact with someone who is being tested for COVID-19 or has tested positive, but they are showing no symptoms?

They should remain off work and self-isolate for 14 days. They should continue to self monitor throughout that time.

If my Employee needs to stay off work to self-isolate for 14 days, do they still get paid?

Most of our collective agreements do not have any sick pay benefits, although some of union health and welfare plans may provide some coverage. If sick pay benefits are not available under the union benefit plan, they will have the option to apply for Employment Insurance. The Canadian Government has recently announced that they are waiving the one-week waiting period for Employment Insurance Benefits. Provide the Employee with a copy of their ROE as soon as possible using reason code D - Illness. They can apply for EI Benefits at:

<https://www.canada.ca/en/services/benefits/ei/ei-regular-benefit.html>.

If they don't qualify for EI the new Canada Emergency Response Benefit will also be available in early April. More information about this benefit can be found at:

<https://www.canada.ca/en/department-finance/economic-response-plan/covid19-individuals.html>

If one of my employees is out of town and receiving LOA or room plus meal and they need to self-isolate for 14 days, is the employer responsible to pay the cost?

Although it's not entirely clear in many of the collective agreements whether contractually you would be obligated to pay for them, we strongly recommend that you do. It would not be fair or appropriate for us to leave an employee who was under quarantine or in self-isolation and unable to travel stuck out of

town and not pay for their accommodation and meals. If they are in a position to travel home safely, you would pay their terminal travel.

Who should not be permitted to attend a worksite due to concern over COVID-19?

- Workers who are ill, whether or not the illness has been confirmed as COVID-19.
- Workers who are required by BCCDC guidelines to self isolate. These include:
 - Those who have arrived in BC from outside Canada.
 - Those who are contacts of a confirmed case, meaning they have been or could have been exposed to the virus but do not have symptoms.

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

A lot of Employees are very nervous about coming to work. What should an Employer do if an Employee is refusing to come to work despite the fact that they aren't sick?

If an Employee chooses not to report to work because of the risk of contracting the virus by working alongside other employees, you should provide them with a Record of Employment. The reason on their record of employment is "E – Voluntary termination" or "N – Leave", although the current recommendation from the Canadian Payroll Association is to use "N – Leave". Although the construction Industry is continuing through these difficult times, we aren't recommending that any pressure be put on workers to report to work if they are concerned.

If an Employee is forced into self isolation due to having contact with someone who has the virus or is suspected of having it, what do we put on their Record of Employment if they themselves are not showing symptoms?

According to Service Canada you would put down "D – Illness", despite the fact that they weren't actually sick. See our bulletin regarding Service Canada rules around Records of employment for further details. <https://www.clra-bc.com/wp-content/uploads/2020/03/20200319-COVID-19-March-19-Update.pdf>

Question: With a lot of job sites shutting down and workforces being reduced, what is the plan for when work resumes, and we have to ramp up our workforces again? Do they all have to be re-dispatched through the Union hall?

CLR staff did have some dialogue with the BCBCBTU about this and ultimately when things ramp up again we will need to deal with this on a union by union basis as each of the respective collective agreements have their own hiring provisions. There was general agreement that employees displaced because of COVID 19 should have the ability to return to the same job and that COVID 19 shouldn't be used to restructure crews.

In the wake of the pandemic, what steps do Employers and Employees need to take in order to ensure a construction site is as safe as possible and avoid the spread of the virus?

The Provincial Government has sent the following document out which guides the things Employers should be doing on job sites to stop the spread of the virus. There have been a number of questions about what these mean specifically – for example, when they recommend adding washing stations, what exactly does that mean in terms of how many need to be available based on the number of

employees? We have sent these questions along with a number of others back to the Provincial Government to get clarification for you. We will update the document as soon as we hear anything. <https://www.clra-bc.com/wp-content/uploads/2020/03/20200322-Guidance-to-Construction-Sites-from-BC-Government.pdf>.

The BCCSA has also put together an extensive set of procedures that should be very helpful for Employers. This can be found at <https://www.bccsa.ca/index.php?id=450>.

Is there going to be an Industry wide shutdown for construction? Should we be reducing our workforces?

At this point the government has indicated that they are not looking to shut down the Industry. Their message so far has been that they want to keep the Industry alive and follow the suggested guidelines in order to prevent the spread of the virus on job sites. In terms of workforce reduction, it is up to clients if they want to keep sites open and up to individual Employers to decide how much they would like to scale back their operations. Our recommendation is that you keep your work crews limited to a size where they can properly engage in social distancing (2 meters from each other) and so that you can ensure they have proper hand washing stations and sanitary washroom facilities along with any other recommendations made to ensure a safe job site.

Contractors and subcontractors are typically bound by contract to complete work according to fixed deadlines. Missing a contractual deadline usually results in legal liabilities, with substantial financial damages, for contractors and subcontractors. With job sites scaling down, or shutting down completely due to COVID-19, this creates huge liabilities for contractors, and it is completely out of their control. What is CLR doing to assist with this potentially disastrous problem?

CLR, along with a number of other associations are actively lobbying the Provincial Government in order to get relief for contractors on instances of force majeure – where a contract cannot be completely due to something outside of their control. We are pushing for them to put in legislation which would address the issues. We expect that we will be hearing something on this over the next couple of days and will provide an update ASAP.