

## **BCTF INFORMATION DOCUMENT – RE: COVID-19 MARCH 24<sup>th</sup> 2020**

This document has been produced by the BCTF and includes information on Return to Work as well as FAQs carried over from previous communications, such as EI, WorkSafe, and SIP.

**Note:** As events are still unfolding at the provincial level, many unanswered questions remain. This document will be updated and redistributed frequently.

### **RETURN TO WORK**

#### **Should teachers be doing anything to prepare for return to work?**

The exact definition of “continuity of learning opportunities” is under development at the provincial level. Until this concept is well defined, members should not be doing any planning. We have been assured, in writing, that there will be time for planning and collaboration when staff return to work.

#### **Before staff return to the building**

Before teachers return to school, the union should work with the superintendent to come up with a safety plan. The safety plan should be sent out to all employees prior to employees returning to work. Students and parents *should not* be allowed into the building for the first few days after reopening. This will allow staff time to adjust to the new plan if needed. In some places, this means teachers will not physically return to the building immediately after the break.

Superintendents have committed to working collaboratively with unions in order to ensure that the return to work is safe. If your superintendent is putting up barriers or if you feel that the district’s plan is inadequate, immediately alert BCTF President Teri Mooring.

#### **Parents and students**

Students will want to pick things up from the school as soon as the break is over, and parents will want to pick up work from the school as soon as break is over. Inviting all of these people into the school without a plan is not prudent. Administration should send out a message indicating that only staff will be allowed in the school for the first week after reopening.

After structures and routines are in place for staff, the plan can be revised in order to take into consideration students in the building.

Health Canada has an excellent [COVID-19 risk assessment resource](#) which may come in handy throughout the planning stages.

#### **Education**

In addition to teaching all members of the school community about handwashing, it is important to educate all members of the school community about physically staying six

feet away from each other at all times. A health and safety checklist has been developed and will be sent out as a separate document. This checklist can be shared widely and posted at worksites.

### **Reasonable accommodations**

As a reasonable accommodation, staff who are pregnant, have underlying conditions, and people who have come into contact with COVID-19 should be allowed to work at home. If they need to pick up or drop items off at the building, they should be allowed to adjust their work schedule so that they are able to do so at a time when there are minimal people in the building.

Staff who are vulnerable, as [defined by Health Canada](#), consists of anyone who is:

- an older adult;
- at risk due to underlying medical conditions (e.g. heart disease, hypertension, diabetes, chronic respiratory diseases, cancer);
- at risk due to a compromised immune system from a medical condition or treatment (e.g. chemotherapy).

Health Canada does not define “older adult” but we interpret it as anyone over the age of 60. It is unusual for someone to self-identify an underlying medical condition to an employer and this advice raises a number of privacy questions, which are addressed below.

### **Medical information**

The general principle for medical information is that employers can request information that is reasonable in the circumstances. In its March 18, 2020 at issue, BCPSEA advised school districts to relax their requirements for medical documentation from employees who are accessing sick leave.

BCPSEA stated:

*The Provincial Health Officer (PHO) is asking employers to permit employees to access sick leave without requiring a medical note in order to avoid undue stress on the health care system. Given the PHO’s request, districts’ normal practices and/or collective agreement requirements will not apply on a without prejudice and precedent basis.*

Teachers may need to share some information about their medical condition with the employer in order to demonstrate the reasonableness of their request. Employers are usually not entitled to information regarding diagnosis but may be entitled to that information in these circumstances where medical documentation is not available. The union may wish to advise the employer that this information is provided on a without prejudice basis and is not to be relied on with respect to any employment related decision outside of decisions made with respect to staffing during the COVID-19 pandemic. This also applies with respect to any employees who are diagnosed with COVID-19. Employees will be required to share this information with their employers for health and

safety reasons. Please contact your Field Service Division staffperson to seek advice on individual requests.

### **Alternate worksites**

- In response to COVID-19, WorkSafe has issued [advice for working remotely](#). Relevant references for working remotely include [Section 4.21 of the OHS Regulation](#) and [Sections 4.20.2 to 4.23](#).
- Procedures for checking in at the beginning and end of the day will need to be developed.
- Note that some workers will be working remotely (e.g., in an apartment with an adult roommate who is home all day), and some will be working remotely and working in isolation (e.g., in an apartment alone). Procedures will need to be developed for both groups.
- If members are being requested to sign a form regarding working from home, please have FSD review the form.

### **CUPE work**

Locals should connect with CUPE regarding cleaning and try to have a common understanding about what is and what is not CUPE work. For example, if a teacher was directed to disinfect the surfaces in their classroom at the end of every day, that would likely be CUPE work and the local would take issue with it. However, if a teacher was directed to wipe down the buttons on the photocopy machine after using it, that likely would not be CUPE work.

### **Kitchen procedures**

It would be unwise to open a shared staff kitchen. Social distancing includes: eating away from common areas, avoiding contact with high touch surfaces, avoiding the saliva of others. Kitchens have the potential to be hotspots for spreading COVID-19.

### **Workspaces**

- While on-site, teachers should spend the majority of time in their own workspace. When administrators or other individuals want to talk to the teacher, the conversation should happen at a safe distance in the hallway.
- Instead of having staff meetings, conduct business through email, conference calls, phone calls, and memos. If a staff meeting must occur, hold it in the gym and ensure that there is a six-foot radius around every person.
- When going to the library, phone ahead to let the librarian know you are coming. If lining up is required, stay six feet away from other staff.
- Confined high-traffic areas like photocopy areas can have a regular schedule to reduce the volume of individuals in the area at any given time. When building a schedule consider everyone who uses the machine, not just teachers. When there is a line-up, staff should stay six feet apart from each other. Provide cleaning materials on hand so that staff can quickly disinfect buttons on the machine between uses.

- Districts and schools should consider investing in individual printers that teachers can use in their classroom instead of having common printing spaces.
- The office is often a high traffic, high congregation area. Encourage all staff to phone the office instead of coming down. Set up alternate procedures for frequent tasks that require going to the office.
- Have mail delivered directly to teachers' workspaces in order to reduce congregation at the mailboxes.
- To reduce congregation at main exterior entries and exits, assign exterior entries and exist to specific individuals.
- Sign-in processes should be carefully designed. For example, if everyone comes in and uses the same pen to sign in, then the pen becomes a high touch surface. A variety of solutions could be used to overcome this, such as asking people to carry their own pens.
- Not every teacher has their own classroom. In districts where multiple teachers share space, solutions need to be developed. This may include finding alternate locations and/or staggering work schedules.

### **Schedules**

- Workers in alternate sites may have scheduled times to check into the building. It is recommended that these times be spaced out and not all at once.
- Stagger start and end times. Scheduling five-minute waves over the course of half an hour will dramatically reduce the number of individuals each person is exposed to each day.
- Encourage staff to stagger lunch and break times.
- Close the staffroom. If members would like to take a break, they should go for a walk outside.
- Discourage more than one person in the bathroom at a time. If the bathroom is in use, line up outside of the bathroom standing six feet apart and wait until the other person is done washing their hands and has exited before entering. Ensure that cleaning materials (spray bottle, paper towels, garbage can for paper towels) are available for frequent disinfecting of high touch surfaces both in the stalls and on the counter.
- The employer may restrict employee's access to the building in order to limit the spread of COVID-19.

### **In case of illness**

- If your school notices a substantial increase in the number of staff missing school due to illness, report this to your local health officials.
- Establish procedures to ensure staff who become sick at school or who arrive at school sick are sent home as soon as possible. Keep anyone sick separate from well staff until the sick person can be sent home.
- If staff show symptoms of COVID-19, immediately notify local health officials. These officials will help administrators determine a course of action for their childcare programs or schools.

## **ADDITIONAL FAQs**

There are many decisions that are unfolding, and thus there are many questions that do not yet have clear answers. To keep abreast of conversations underway, please join the regularly scheduled Local President conference calls.

### **Q. Will SIP cover me for self-isolation?**

**A.** You require a diagnosis in order to receive SIP coverage.

### **Q. Now that working conditions have changed a member on SIP is wondering whether they should come off of SIP.**

**A.** This decision should not be rushed, and there are many complex factors to consider. Advice on this will be developed and distributed soon.

### **Q. Am I eligible for Worker's Compensation if I am exposed to COVID-19?**

**A.** A member is not eligible for WCB benefit if they quarantine or self-isolate but have not been diagnosed with the coronavirus, or if they stay away from work as a prevention measure. Most workers will not be covered by WCB benefit even if they are diagnosed with coronavirus, but this will depend on specific facts, such as the nature of your exposure and whether you were working at the time of exposure. If you have been diagnosed with coronavirus and believe it is work-related, contact WorkSafeBC at 1-888-workers. [WorkSafe has also posted advice on their site about COVID claims.](#)

### **Q. The district has sent us a communication around sick leave. The communication says that no note is needed to access sick leave, but a note may be required to return from sick leave. There is also some legalese in the communication. Should I be concerned?**

**A.** Not requiring a sick note is a positive move on the part of the employer. Many districts included a disclaimer in this communication to ensure that they can go back to requiring medical notes once the pandemic is over. In the context of a pandemic, it is acceptable for the employer to require a medical note in order to return to work and many of the communications that we have seen clearly link this requirement to the pandemic. If there are any issues (e.g., an employee who has recovered from a non-COVID injury being denied return to work) then we will deal with them on a case-by-case basis.

### **Q. Does a TTOC have to be "laid off" from work to be eligible for the EI benefit?**

**A:** No, a TTOC does not have to be laid off from work to be eligible for the EI benefit. TTOC applying for the regular benefit must anticipate having no work for seven consecutive days in order to qualify for the regular EI benefit. For casual and TTOCs, the spring break period constitutes a lay-off or shortage of work under employment insurance policy. A TTOC who anticipates no work for seven consecutive days or longer is eligible to apply for EI on their last day worked and should apply without delay. TTOC applying for the sickness benefit from EI does not need to be laid off or have a shortage of work, but is absent from work due to illness, injury or quarantine.

### **Q. Can a member on an EI claim continue to work?**

**A:** Yes, a TTOC on an employment insurance claim may continue working. You can keep 50 cents of your benefits for every dollar you earn, up to 90 percent of your previous weekly earnings. Above this cap, your EI benefits are deducted dollar-for-dollar. If you work a full work week, regardless of how much you earn, you will not be eligible to receive EI benefits for that week.

**Q. How will this impact TTOCs who have a part-time contract?**

**A.** It is not yet clear how the new model will impact TTOCs, and BCTF leadership is continuing to raise this issue provincially. The Public Sector Employers Council (PSEC) has communicated that “it is important to maintain employment and compensation for employees whose work would not otherwise have been interrupted save for the pandemic response.” In the meantime, here is the interim advice for TTOC’s with part-time contracts:

If you have a part-time contract and work as a TTOC, you may be eligible for EI regular benefit if you have 700 EI insurable hours (77 full days of teaching FTE) if you have no work in your position as a TTOC BUT there is no guarantee of this. There are very complex EI rules for teachers and you fall into a grey area, so you may very well be denied the EI regular benefit due to the presence of the continuing contract.

If you are found to be ineligible for EI, please note that in April, the Government of Canada will be rolling out two benefits: the Emergency Care Benefit, individuals infected by covid-19, caring for a child, unable to attend school because of the covid-19, or caring for a relative infected by the virus. In addition to this, they will be rolling out the Emergency Support Benefit, for workers who are unemployed due to the covid-19 and are not eligible for EI.

The benefit application is expected to be available by April through your "My CRA Account" which you use to file taxes and access notices of assessment.

**Q. How will the new EI rules impact my members?**

**A.** For a comprehensive review of the changes to EI benefits, see BCTF’s [March 23, 2020 Income Support and Employment Insurance Information Bulletin to Members.](#)