

BC EMPLOYERS TO TRANSITION FROM COVID-19 SAFETY PLANS TO COMMUNICABLE DISEASE PLANS

Posted on July 3, 2021

Categories: [Insights](#), [Publications](#)

On June 17, 2021, the BC Provincial Health Officer, Dr. Bonny Henry, issued a statement to employers on transitioning from COVID-19 Safety Plans to Communicable Disease Plans as BC moves to Step 3 of its Restart Plan on July 1, 2021 (the "Statement").

In the Statement, Dr. Henry indicated that at least 75% of adults have been immunized and that current data shows a decline in hospitalizations, clusters and outbreaks of COVID-19 in our communities. As a result, Dr. Henry has advised that employers will no longer be required to maintain COVID-19 Safety Plans in their workplaces. In addition, the mandatory requirements which were put in place in relation to COVID-19, including physical distancing and the requirement that facemasks be worn in indoor common areas, are no longer required. Instead, employers have been advised to start transitioning to Communicable Disease Plans before the start of the winter season, which is when we typically see an increase in respiratory and other communicable diseases. A communicable disease is any illness caused by an infectious agent or its toxic product that can be transmitted in a workplace from person to person. Examples include COVID-19, norovirus and seasonal influenza.

Transitioning to Communicable Disease Plans

Dr. Henry indicated in the Statement that transitioning to a Communicable Disease Plan starting on July 1, 2021, will mean the following for employers:

- The COVID-19 specific controls of the COVID-19 Safety Plan will no longer be required outside of instances of elevated risk;
- Employers must ensure that fundamental measures of communicable disease prevention are in place at their workplace, including appropriate handwashing and personal hygiene practices, appropriate ventilation, and staying home when sick;
- Employers must also be prepared to implement or maintain additional measures at times when the risk of communicable disease in their region or workplace is elevated, as advised and directed by public health (including with respect of COVID-19 as mentioned above).

Dr. Henry has recommended that employers consider maintaining some COVID-19 safety protocols in the workplace if they do not negatively impact business operations, such as physical barriers and directional signage. This is recommended for at least the transitional period as we move towards communicable disease prevention in the workplace.

WorkSafeBC has published a guideline to help employers develop and implement a Communicable Disease Plan. The guideline describes a four-step process to help employers reduce the risk of communicable diseases, which involves:

- Understanding the level of risk in the workplace;
- Implementing appropriate measures (such as hand washing and proper ventilation);
- Communicating policies and protocols to employees; and
- Updating measures and safeguards as required.

A link to the WorkSafeBC guide can be found [here](#).

A Communicable Disease Plan does not have to be in writing and does not require WorkSafeBC's approval.

Masking and other COVID-19 Safety Protocols

On June 14, 2021, Dr. Henry published the *Workplace and Post-Secondary Institution Safety* Public Health Order (the "**Order**"). Pursuant to this Order, employers were required to, among other things, maintain a COVID-19 Safety Plan in the workplace, including a requirement that facemasks be worn in indoor common areas (with some limited exceptions such as when employees are separated by physical barriers), and that employees complete daily health checks before entering the workplace.

On June 29, 2021, Dr. Henry published a Public Health Order repealing the Order with effect from July 1, 2021.

Therefore, effective July 1, 2021, facemasks will no longer be mandatory in any area of the workplace (whether or not there is a physical barrier between employees) and daily health checks will also no longer be required. That said, as indicated above, Dr. Henry has recommended that some measures be maintained as we transition to communicable disease prevention, and it will therefore be up to employers to decide whether they will maintain some or all COVID-19 safety protocols in the workplace and for how long.

Take-Aways

Employers should start working on their Communicable Disease Plans based on the guidance from Dr. Henry and WorkSafeBC. WorkSafeBC has the power to conduct workplace inspections to evaluate compliance with communicable disease prevention. If inspected, an employer would need to be able to demonstrate what policies and practices it has in place to effectively manage the risk of transmission of communicable diseases in

the workplace. We recommend that policies and practices be included in a written plan for two reasons:

- A written plan will help an employer satisfy its obligation to communicate policies and practices to employees, and will help ensure that employees comply with them; and
- A written plan will certainly help an employer demonstrate its compliance with communicable disease prevention if inspected by WorkSafeBC.

Please contact us if you have questions about your obligations as an employer with respect to communicable disease prevention!

By [Dianne Rideout](#) and [Michelle McKinnon](#)

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

© McMillan LLP 2021