

From: [Scott, Samantha LBR:EX](#)
To: [Minister, LBR LBR:EX](#)
Subject: RE: WCB enforcement of workplace health and safety and presumptive coverage for COVID-19 occupational disease
Date: April 14, 2020 10:00:00 AM
Attachments: [image001.png](#)

Minister response. Please advise the other ministries we will respond and if they have anything they want to add we can incorporate it. Please also have them cced.

Thanks,

Samantha Scott | Ministerial Assistant to the Honourable Minister Bains
Ministry of Labour
PO Box 9044 Stn Prov Gov, Victoria, BC, V8W 9E2 | 778-679-4889

From: Minister, LBR LBR:EX <LBR.Minister@gov.bc.ca>
Sent: April 8, 2020 3:29 PM
To: Scott, Samantha LBR:EX <Samantha.Scott@gov.bc.ca>
Subject: WCB enforcement of workplace health and safety and presumptive coverage for COVID-19 occupational disease

Hi Sam,

Would you like a MIN response?

Thanks,

Mayura

From: President - BCFED <president@bcfed.ca>
Sent: April 8, 2020 3:02 PM
To: Minister, HLTH HLTH:EX <HLTH.Minister@gov.bc.ca>; Minister, LBR LBR:EX <LBR.Minister@gov.bc.ca>; Minister, PSSG PSSG:EX <PSSG.Minister@gov.bc.ca>
Cc: OfficeofthePremier, Office PREM:EX <Premier@gov.bc.ca>; Randall, Maritess WCB:EX <Maritess.Randall@worksafebc.com>
Subject: WCB enforcement of workplace health and safety and presumptive coverage for COVID-19 occupational disease

To: **The Honourable Adrian Dix, Minister of Health**
 The Honourable Harry Bains, Minister of Labour
 The Honourable Mike Farnworth, Minister of Public Safety and Solicitor General

Dear Ministers Dix, Bains and Farnworth:

Please find attached a letter from the BC Federation of Labour regarding WCB enforcement of

workplace health and safety and presumptive coverage for COVID-19 occupational disease.

Yours sincerely,

W. LAIRD CRONK

President

BC Federation of Labour | 200-5118 Joyce Street | Vancouver BC V5R 4H1

tel: 604-430-1421 | email: exec@bcfed.ca | www.bcfed.ca

The BC Federation of Labour is located on unceded xʷməθkʷəy̓əm (Musqueam), səliłwətaʔ (Tsleil-Waututh), Skwxwú7mesh (Squamish) territories.

Sent by: Kate McGrath | kmcgrath@bcfed.ca 

Please respect our fragrance-free workplace.

MacDonald, Alex LBR:EX

From: Hughes, Trevor LBR:EX
Sent: April 8, 2020 8:20 PM
To: Scott, Samantha LBR:EX; MacDonald, Alex LBR:EX
Subject: RE: WCB enforcement of workplace health and safety and presumptive coverage for COVID-19 occupational disease

Did you read para 2? "Paid sick leave" is what he is thanking us for....

From: Scott, Samantha LBR:EX <Samantha.Scott@gov.bc.ca>
Sent: April 8, 2020 3:59 PM
To: Bains, Harry LBR:EX <Harry.Bains@gov.bc.ca>; MacDonald, Alex LBR:EX <Alex.MacDonald@gov.bc.ca>; Hughes, Trevor LBR:EX <Trevor.Hughes@gov.bc.ca>
Subject: FW: WCB enforcement of workplace health and safety and presumptive coverage for COVID-19 occupational disease

Please see attached, from the BCFED.

Samantha Scott | Ministerial Assistant to the Honourable Minister Bains
Ministry of Labour
PO Box 9044 Stn Prov Gov, Victoria, BC, V8W 9E2 | 778-679-4889

From: President - BCFED <president@bcfed.ca>
Sent: April 8, 2020 3:02 PM
To: Minister, HLTH HLTH:EX <HLTH.Minister@gov.bc.ca>; Minister, LBR LBR:EX <LBR.Minister@gov.bc.ca>; Minister, PSSG PSSG:EX <PSSG.Minister@gov.bc.ca>
Cc: OfficeofthePremier, Office PREM:EX <Premier@gov.bc.ca>; Randall, Maritess WCB:EX <Maritess.Randall@worksafebc.com>
Subject: WCB enforcement of workplace health and safety and presumptive coverage for COVID-19 occupational disease

To: **The Honourable Adrian Dix, Minister of Health**
 The Honourable Harry Bains, Minister of Labour
 The Honourable Mike Farnworth, Minister of Public Safety and Solicitor General

Dear Ministers Dix, Bains and Farnworth:

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Yours sincerely,

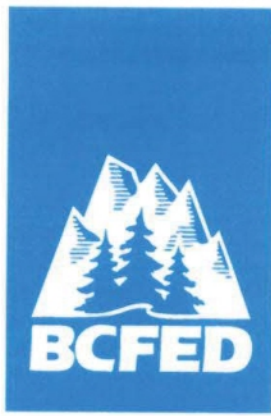
W. LAIRD CRONK
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Sent by: Kate McGrath | kmcgrath@bcfed.ca 

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April 8, 2020

VIA Email: HLTH.Minister@gov.bc.ca; LBR.Minister@gov.bc.ca; PSSG.Minister@gov.bc.ca

The Honourable Adrian Dix
Minister of Health

The Honourable Harry Bains
Minister of Labour

The Honourable Mike Farnworth
Minister of Public Safety and Solicitor General

Dear Ministers Dix, Bains and Farnworth:

Re: WCB enforcement of workplace health and safety and presumptive coverage for COVID-19 occupational disease

The BC Federation of Labour (BCFED) is the leading voice of trade unions in British Columbia, representing 500,000 workers through our affiliated unions. From the outset of the COVID-19 pandemic, the BCFED has insisted that worker protection and safety must be a key pillar of the province's response to COVID-19.

We are grateful for the worker protection measures taken to date, including legislated provisions for paid sick leave under the *Employment Standards Act*, coordination of provincial financial supports with federal government initiatives, and implementation of the Economic Recovery Taskforce, among many others. Your leadership has been remarkable and is welcomed.

As we continue to face this health crisis, the BCFED believes that government's COVID-19 pandemic response requires additional measures to protect workers in order to fill existing gaps in worker protections. I am writing to urge your government to ensure that the WCB is leading the enforcement of workplace health and safety during the COVID-19 pandemic, and to ensure presumptive coverage for occupational disease for all workers exposed to COVID-19.

Government has issued a list of essential industries – work it deems critical to the continued operation of our province. That means many workers are continuing to work during the pandemic and we must ensure that they are safe. As advocates for working people, we have fought long and hard to ensure every worker's right to go to work and come home safe.

Government is rightly focused on reducing the spread of the disease in our communities while ensuring workers who continue to work must have safe and healthy workplaces. However, the BCFED believes that there is jurisdictional confusion which is impairing effectiveness of these measures. The Public Health Officer (PHO) is issuing orders, but the Workers' Compensation Board (WCB) is responsible for workplace health and safety. By-law officers are enforcing PHO orders, including in workplaces, but lack expertise and authority regarding WCB laws and regulations, while WCB officers have access to extensive legislation and regulations but are not empowered to directly enforce PHO orders.

Public health authorities play a critical role in this crisis, but the WCB must lead on workplace safety. The WCB is the organization mandated to ensure worker safety and now more than ever employers and workers need strong direction. The WCB must do everything possible to support employers and workers to do what they need to do to stay safe at work. Doubling up inspections between by-law officers and WCB prevention officers leads to potential confusion and is an ineffective use of resources during this period of crisis. WCB prevention officers must be provided assurance that they have the required authority in workplaces to keep workers safe during this crisis.

History tells us that when the WCB takes a leadership role during a health crisis that impacts workplaces, lives are saved. We learned this from the effective work of the WCB in 2003 during the SARS crisis. The WCB took responsibility, acting swiftly to ensure that safety measures were in place to protect workers. Analysis of that crisis showed that the WCB's decisive action reduced the spread of SARS and the number of workplace illnesses and deaths.

We are therefore formally asking that the Ministry of Labour, the Ministry of Health and the Ministry of Public Safety work together to eliminate any jurisdictional confusion over whose job it is to keep workers safe. Worker and workplace safety are unequivocally the responsibility of the WCB, and prevention officers need the power and authority to do their job, including the authority to enforce the Provincial Health Officer's orders in workplaces during this crisis.

Secondly, we must also ensure that any worker who is exposed to COVID-19 through their work is compensated. The BCFED is calling on government to immediately move to provide presumptive coverage of an occupational disease to any workers in BC who are exposed to COVID-19 and work in an industry identified by government as essential during this crisis.

The government is asking workers in these industries to continue to go to work. By following self-isolation practices at home and restricting unnecessary trips out of the house, workplaces are where these workers are going to be exposed. Workers should not have to jump through unnecessary hoops to prove a workplace exposure.

The COVID-19 pandemic is precisely the kind of situation that presumptive coverage is designed to address. Presumption reduces adjudication time for claims and ensures that workers and their families have the resources they need if they need to self-isolate and/or become ill.

Under the state of emergency, government has the authority to act quickly to address this public health emergency. You must act now to provide protection to those who are continuing to work and to fairly compensate any worker who is exposed to COVID-19 and unable to work.

Thank you for your attention to these important matters. I look forward to hearing from you soon and thank you again for your tremendous leadership during this time of crisis.

Yours sincerely,



W. Laird Cronk

President

BC Federation of Labour

Cc: Premier John Horgan

Cc: Chair Ralph McGinn, WCB