

Part one: BC Relaxes COVID-19 Workplace Measures



British Columbia continues to take steps toward relaxing COVID-19 workplace safety requirements and returning employees to the office, in keeping with recent trends among provincial governments in Canada. On March 11, 2022, the B.C. Provincial Health Officer lifted mandatory face-cover requirements in the workplace. These changes followed the lifting of other COVID-19 workplace safety requirements on February 16, 2022, and anticipate the further easing of protective measures on April 8, 2022.

This two-part series is intended to help employers navigate this shifting legal landscape. In part one, we canvass the latest and upcoming changes to COVID-19 workplace safety requirements in British Columbia. In part two, we explain what those changes mean ‘ and don’t mean ‘ for employers going forward, in light of other responsibilities pertaining to workplace safety and employees with medical conditions, including responsibilities under B.C.’s *Workers’ Compensation Act*, *Human Rights Code*, and *Employment Standards Act*.

Changes to COVID-19 Workplace Safety Requirements

Accommodation of Remote Work

On February 16, 2022, the B.C. Provincial Health Officer introduced changes to the *Provincial Health Officer Order on Workplace Safety* (the ‘Order’) aimed at returning employees to the workplace.

Previously, employers were required to allow employees to work remotely, so long as it was feasible given the type of the work involved and the nature of the employer’s operations. As of February 16, 2022, this requirement has been lifted entirely.

While employers are no longer required to maintain remote work arrangements

under the *Order*, the B.C. government has stressed that employers will still have the option of continuing remote or hybrid work arrangements and that businesses should adopt the model that works best for them.

Face-Coverings

Further changes to the *Order* were introduced on March 11, 2022, most notably, the requirement for all employees to use face-coverings in indoor common areas was removed.

However, the revised *Order* still aims to protect employers' and employees' choices regarding the use of masks in the workplace. Employers may choose to maintain mask requirements to reduce workplace health risks, and employees of such employers will be required to adhere to such policies. Likewise, employees of employers who don't maintain mask policies will be free to continue wearing a face covering at work if they choose to do so, and employers must permit workers to do so.

COVID-19 Safety Plan and Proof of Vaccination

The B.C. Provincial Health Officer has announced that, on April 8, 2022, the remaining requirements under the *Order* will be lifted, including the requirement to maintain a workplace COVID-19 safety plan. Regardless, employers will still be required to transition to a communicable disease plan to help reduce the risk of all communicable disease, including COVID-19.

On July 3, 2021, employers were similarly permitted to implement a communicable disease plan in lieu of a COVID-19 safety plan, until the requirement to maintain a COVID-19 safety plan was re-introduced on January 20, 2022. WorkSafeBC's guidance on communicable disease plans has not changed since June 2021, so we anticipate that the requirements for communicable disease plans introduced after April 8, 2022, will be substantially similar to those implemented on or after July 3, 2021.

The B.C. Provincial Health Officer has also announced that the proof of vaccination requirement will be lifted on April 8, 2022. While the proof of vaccination requirement is not a requirement under the *Order*, its removal will still impact some workplaces insofar as it will increase the risk of exposure to COVID-19 for some employees, particularly those in the service industry.

Going Forward

While COVID-19 mandates are on their way out, unfortunately, the same cannot be said of COVID-19 workplace health risks. Given these ongoing risks, employers should be alert to a host of other statutory responsibilities pertaining to workplace safety and employees with medical conditions, including responsibilities under B.C.'s *Workers' Compensation Act*, *Human Rights Code*, and *Employment Standards Act*. In part two of this two-part series, we provide employers with a summary of these ongoing responsibilities and how they should inform the transition from COVID-19 workplace mandates.

Written By: Geoff Mason