

March 17, 2020

To all CSSBA Members

RE: Implications of COVID-19 in the CSS Sector

The Community Social Services Bargaining Association (CSSBA) met today with the Community Social Services Employers' Association (CSSEA) to discuss the COVID-19 pandemic and its impacts on our workplaces and workers in this unprecedented time. We are working cooperatively with CSSEA to try to ensure that all of our members have clear, updated information to ensure their health and safety in the workplace and the community and to also ensure the continued provision of quality care and services to CSS clients in British Columbia.

General Health and Safety

CSSEA has indicated their commitment to ensure that their member employers are focused on the health and safety of both workers and the clients they support. That means that employers must comply with occupational health and safety legislation to prevent the risk of exposure to COVID-19. Employers should be supplying the appropriate protective and preventative equipment (masks where necessary, gloves, appropriate strength – minimum 60% alcohol – hand sanitizer, etc.), as well as cleaning supplies to ensure that worksites minimize transmission of the virus. Workers must also do their part and follow the recommendations of the BC Public Health Officer (PHO) by washing their hands regularly, following proper coughing/sneezing protocols and using social distancing where possible.

Working from Home

Where feasible, employers may request that members work from home to limit the potential for spread of COVID-19. It is the employer's responsibility to ensure compliance with all occupational health and safety legislation, privacy obligations, and risk assessments for this purpose. For members who can work from home, they should receive their usual rate of pay. For most of our members, however, working from home will not be a possibility.

Sick Leave

In the event that a member is ill for any reason, they should stay home and utilize their sick leave banks under the terms of the Collective Agreement. It is particularly important at this time that workers not come into work when they are unwell. The mandatory CSS Early Intervention Program will still apply and members will be contacted after 5 days of absence in order to provide support for their return to work.

The PHO discourages employers from seeking medical notes for the purpose of accessing members' sick leave banks and we expect employers to follow this direction, unless there are extenuating circumstances. In the event that a member's sick leave bank is depleted, they are eligible to apply for Employment Insurance benefits. The federal government has recently waived the one-week waiting period to facilitate quick access to benefits for those who need them. It is possible that an employer may require a medical clearance prior to a member's return to work.

Self-Isolation or Quarantine

If a member has returned to Canada from any international destination, they must self-isolate for 14 days, even if they do not have any symptoms of COVID-19 pursuant to the recommendations of the PHO. In any other circumstance where a member believes that they may have been exposed to COVID-19, have symptoms of the disease, or have concerns about their own or a household member's vulnerability to COVID-19, they need to contact the Public Health Authority at 811 or their physician and follow their advice with respect to self-isolation.

The provincial government is presently adding to the capacity for 811 calls and to virtually attend for medical assessments. The directive that a member receives from the Public Health Authority or their physician should be noted and conveyed to their employer. Employees who are directed to self-isolate will be placed on a paid leave of absence (not sick leave) for the duration of the isolation period.

If a member elected or elects to travel after March 13, 2020, contrary to the PHO's recommendations, unless there are substantiated extenuating circumstances, they will not be entitled to a paid leave of absence.

It is important that employers are made aware of members who are self-isolating. The PHO is tracking all cases to continue to monitor and control the spread of COVID-19.

Refusal to Work/Worksafe BC

If a member has no symptoms of COVID-19 and has not been directed to self-isolate by the Public Health Authority or their physician, they should attend work, while exercising the enhanced precautions recommended by the PHO. If a member believes that their worksite is unsafe or that they may be exposed to COVID-19 at work, they should contact their steward, occupational health and safety representative, or union representative to see if it is appropriate to refuse to attend at work and possibly involve Worksafe BC. If a member does contract COVID-19 at work, it may be a Worksafe claim and may necessitate completion of the necessary forms for that purpose.

Worksite or Program Reduction in Service or Closure

CSSEA has stated that they are committed to keeping all CSS staff employed through this crisis and their bigger concern is that the workforce will be depleted due to employees becoming unwell. If an employer is indicating that they may reduce or close a program, members should notify their steward and union representative immediately. The expectation is that employers will consult with the union before steps are taken to reduce or close programs and that employees may be deployed to other programs where they have the training required and health and safety is not compromised or they could, if they so choose, utilize overtime banks, vacation, etc. before accessing Employment Insurance benefits. These issues should be resolved locally by the employer and union representatives.

Additionally, employers have and may continue to suggest that they will reduce programs to "essential services". This is not a situation where job action is occurring—this is a pandemic. Reduction or cessation of services is a matter that must involve the local union representative to ensure that, wherever possible and appropriate, delivery of services is continued. Any reduction of services or closure of a program should be reported to your union representative to relay to CSSEA.

Vacations

CSSEA takes the position that they will not book any further vacation at this time in order to ensure an adequate number of employees to meet the anticipated need to provide service to clients. If a member has vacation already booked, it is up to their employer to determine if this is still feasible and, as long as there is sufficient staffing, booked vacation should not be denied.

Going Forward

In order to ensure the least disruption possible, union representatives and employers (with the assistance of CSSEA representatives if necessary), should try to resolve workplace issues at the local level; however, urgent or complex issues must be dealt with at the sectoral level. For urgent or complex matters, we encourage you to convey those issues to your union representative to bring forward either on an emergent basis or at our scheduled teleconferences on this crisis. CSSBA will be meeting remotely each Tuesday at 11:00 am and then with CSSEA on Wednesdays at 11:00 am to discuss pressing issues and the ever-changing landscape.

We have raised a number of issues for CSSEA to consider and to bring forward in their meetings with funders and the provincial government. Rather than detail all of those concerns, we will update on an ongoing basis as the federal and provincial governments respond and adapt and as issues arise for our members in the workplace.

For more information, please contact your CUPE Local Executive and check the CUPE BC website (cupe.bc.ca) for updates. Additionally, resources and information on COVID-19 are available at: bccdc.ca.