COVID-19 and Alberta employer obligations

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COVID-19 presents a risk to the health and safety of workers. As such, employers must take reasonable steps to ensure their workers are not exposed to COVID-19. Employers should be aware of their legal obligations related to COVID-19. As this is a rapidly changing situation, employers' legal obligations are also changing. This article summarizes the latest guidance issued by the Alberta government and the Workers' Compensation Board relating to the employer obligations.

Alberta amends the *Employment Standards Code* due to COVID-19

On March 17, 2020, the Alberta government adopted the *Employment Standards (COVID-19 Leave) Regulation*, which amended the Alberta *Employment Standards Code*.

What you need to know:

- Employees are entitled to *unpaid* leave for 14 consecutive days if they are under quarantine, including any self isolation and self quarantine as a result of COVID-19.
- Any employee under quarantine is exempt from the requirement to provide a medical certificate or a copy of a medical certificate to their employer.
- Employees do not have to be employed for 90 days before taking leave.
- The Minister may extend the leave if the Chief Medical Officer recommends it to suppress COVID-19 in those who may have already been infected, to protect those who have not been exposed, or to break the chain of transmission and prevent COVID-19 spreading. This leave does not affect the employee's entitlement to long-term illness and injury leave of up to 16 weeks each calendar year.
- The *Employment Standards (COVID-19 Leave) Regulation* is dated effective March 5, 2020, which means that it will have a retroactive effect and apply to leaves taken since then.

WCB Alberta releases COVID-19 bulletin

Recently, the Workers' Compensation Board – Alberta (WCB) released a bulletin addressing the coverage, reporting responsibilities and process related to workers' compensation claims and COVID-19.

What you need to know

- If a worker contracts COVID-19 as a direct result of their employment, they are entitled to compensation if the following conditions (the Specific Criteria) are met:
    - The nature of employment involves sufficient exposure to the source of the infection; and
    - The nature of employment is proven as cause of the condition; or
    - The nature of the employment creates a greater risk of exposure.
- If an employers' workers are more likely than the general public to contract COVID-19 at work, and the workers lose time if they catch it, the claim must be reported to WCB. However, it does not need to be reported to WCB if the workers are not at greater risk than the general public.
- If workers are sent home from work but are not suffering from COVID-19, there is no need to report this to WCB.
- If a worker is exposed to COVID-19 due to a greater risk at work and develops problems related to the illness, it must be reported to WCB.
- Like any other claim, WCB must determine whether exposure to the disease arose out of the course of employment and was caused by an employment hazard (in this case, workplace).

Alberta government releases bulletin on OHS COVID-19 obligations

The Alberta government recently released a bulletin (the OHS Bulletin) which addresses occupational health and safety obligations related to COVID-19.

What you need to know

- Employers must ensure, as far as reasonably practicable, the health and safety of workers and others at or around their work site. This includes ensuring workers are not exposed to respiratory illnesses such as COVID-19.
- Employers must perform a hazard assessment to identify existing and potential hazards at a work site, including the risk of catching respiratory illnesses such as COVID-19. Employers may need to use a mix of engineering and administrative controls and PPE to protect workers. Effective controls for workplace hazards depend on site- and task-specific factors.
- Employers should consider whether first aid services are adequate to look after ill workers. In an outbreak, employers may need to review their first aid and emergency response plans to ensure that they are appropriate.
- The OHS Bulletin sets out best practices to control respiratory virus hazards, such as COVID-19, in the workplace. These include:
    - **Business continuity**: Employers should review and identify operational areas that may be vulnerable to staff absenteeism, if workers are sick or need to stay home to take care of sick family members. Options for employers include alternative working arrangements and minimizing in-person meetings.

- **Personal care**: Employers should recommend that workers practice social distancing and good hand hygiene to prevent the spread of respiratory illnesses.
- **Workplace hygiene**: Employers should ensure that workplaces are regularly cleaned, which includes workstations and equipment.

This is not a legal opinion. For advice with respect to employment issues arising from COVID-19, please get in touch with our team listed below, who are ready and available to assist with navigating through these unprecedented times. BLG has also created a COVID-19 Resource Centre to assist businesses on a variety of topics, including labour and employment, contractual risks, public disclosure requirements, schools and criminal law.

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