



Liability and COVID-19

New Liabilities to Consider

- Employers must take reasonable care to ensure individuals' health and safety at their workplace and provide appropriate education and training
- Employees have the right to refuse dangerous work
- Police and law enforcement officers can issue \$2,000 violation tickets for owners and organizers contravening public health orders on gatherings and events in BC



Ways to Protect Yourself

- Evaluate your entire operations and create a COVID-19 safety plan
- Incorporate your business
- Look into insurance for your business
- Intensify communication and keep a record of the safety measures you implement

Employee and Customer Health and Safety Practices

- Instruct staff to inform management if they have been exposed to the virus or show symptoms of infection
- Promote and facilitate personal preventive practices
- Promote physical distancing



FEEDING GROWTH: LIABILITY AND COVID-19

New challenges are surfacing amid the global pandemic — the threat of lawsuits and new areas of liability. Note that this info sheet should not be taken as legal advice and specific legal advice should be discussed with a lawyer. Information provided in the links should also be used as references and may be subject to change.

Liability a food producer might have related to COVID-19: Employers must take [reasonable care](#) to ensure individuals' health and safety at their workplace, including the prevention of employee and customer exposure to COVID-19. Employers must also provide appropriate education to staff. Failure to do so may [expose a company to liability](#) if someone becomes infected at work and it's shown that management had not provided sufficient guidance.

Under health and safety legislation, employees have the right to refuse dangerous work, which includes [hazards related to the COVID-19 pandemic](#). However, fear alone of a potential exposure is not an adequate reason to refuse work. For more information, consult the [Canadian Centre for Occupational Health and Safety](#).

[As of August 2020](#), police and other law enforcement officers can issue \$2,000 violation tickets for owners or organizers contravening public health orders on gatherings and events in BC. This includes failing to provide appropriate hand sanitation and washroom facilities and failing to provide sufficient space for physical distancing.

Ways to protect yourself: For most food businesses, worker and customer safety is of paramount importance. Take the following steps to protect workers and customers and protect yourself from lawsuits.

1. **Evaluate your entire operations and create an exposure control plan.** Businesses made significant short-term changes to prepare to re-open but should consider a long-term strategy too. Review your [entire operations](#), including the flow of materials and operations and your employees' schedules. WorkSafe BC has a mandatory [COVID-19 safety plan](#) that needs to be completed to reduce the risk of transmission. Create an exposure control plan that follows all federal and provincial public health [guidelines](#).
2. **Incorporate your business.** Without registering as a corporation, you may be personally liable if food safety issues occur (e.g. customers get COVID-19 after an exposure outbreak at your workplace) and a lawsuit could ensue. By [registering as a corporation](#), you protect yourself from some personal liability.
3. **Look into insurance for your business.** Now might be a good time to look at your insurance policy and see if there are any areas you should add additional coverage. Brokers are a great resource for finding the right coverage for your needs.
4. **Intensify communication and keep a record of the safety measures you implement.** Make sure workers know about the virus and how to minimize its spread. For legal and practical reasons, [employers must be able to show](#) that they have given employees accurate information about ways to prevent the spread of COVID-19 and that they have provided people with the means to act on that information.

Best practices around customer and employee health and safety: If your business is operating during this pandemic, it's crucial to take additional health and safety precautions to limit exposure to COVID-19.

1. **Instruct staff to inform management** if they have been exposed to the virus or show [symptoms of infection](#). Consider relaxing sick leave policies for employees who are ill or allowing flexible hours for employees who must use public transportation to get to work.
2. **Promote and facilitate personal preventive practices.** This includes providing increased access to hand hygiene facilities, cleaning frequently touched surfaces more often, and displaying posters that promote hand-washing and respiratory hygiene. COVID-19 tip sheets, including one for the food processing industry, are available from the [Canadian Centre for Occupational Health and Safety \(CCOHS\)](#). For an in-depth list of health and safety practices while working during a pandemic, visit [here](#).
3. **Promote physical distancing.** Establish a 2-meter separation between employees and customers and/or restrict the occupant capacity of indoor spaces. If physical distance cannot be maintained, add physical barriers (e.g. cubicles, Plexiglas windows) in the work environment.