

April 3, 2020

Re: BCMEA Response to COVID-19

BCMEA is continuing its commitment to monitoring developments and updates relating to COVID-19 and its potential impact on BC's waterfront. As the COVID-19 pandemic unfolds, The Association is committed to prioritizing the health and safety of our waterfront workforce, while simultaneously ensuring that cargo continues to flow at BC's ports.

Please see the weekly summary of actions and updates below.

Dispatch: The BCMEA has worked collaboratively with each local to assist in ensuring they can dispatch in a manner that meets the requirements of the Industry Wide Health Direction and meets the needs of the Industry and our Membership to ensure the supply chain remains open.

The Association continues to work collaboratively with the ILWU regarding prevention and containment measures across the province's dispatch halls.

Health and Safety Protocols: BCMEA released its COVID-19 Waterfront Industry Protocols to member terminals this week. The ILWU reviewed the protocols, but did not endorse them. The protocols are guidance materials for terminals to develop their own SOP's for their safety committees. It was distributed broadly, including to the DOC, Terminal and HR member employees. It was also distributed externally to other waterfront employers, key stakeholders and government agencies, including the BC Ministry of Health.

The Association sourced priority PPE through Levitt, hand sanitizer from Parallel 49 and face shields for lashing through Dynamic Safety, a hardhat manufacturer.

Labour Relations: New Personal Leave Days under the Canada Labour Code (CLC): The BCMEA has previously provided communication to the industry about the applicability of new personal leave days under the CLC (5 days, 3 paid at full wages) for longshore employees. LR has received a few questions from employers about Foremen requests for personal leave related to Covid-19. LR provided an email memo this week to employers advising that eligibility for the new personal leave may not apply to Foremen that already have a significant degree of discretion and flexibility to construct their own schedule and accommodate personal leave days they require. Despite this view, there may be Foremen with less flexibility in their schedules and each situation should be evaluated on its own circumstances. LR is available to assist with any questions on eligibility that arise.

Government Relations: Public Safety Canada has released its "Guidance on Essential Services and Functions in Canada During the COVID-19 Pandemic."

These services and functions are considered essential to preserving life, health and basic societal functioning, including broad exemptions for essential transportation workers including the broad inclusion of our Waterfront sector:

- “Maritime transportation workers, including those in the commercial shipping sector who ensure the continuity of operations and the fluidity of commercial shipping, such as vessel crew, port workers, mariners, equipment operators, longshoremen, sailors, marine pilots, marine agents, representatives of foreign ship owners, maintenance workers, tug captains, and others, and
- Workers in organizations that provide transportation services to businesses and individuals, including by air, water, road, and rail, including providing logistical support, distribution services, warehousing and storage, including truck stops and tow operators.”

Employers should take all possible steps to protect the health and safety of workers by implementing practices and procedures recommended by public health authorities and providing appropriate protective equipment and products. Further, workers who can perform their tasks remotely should do so.

Municipal, provincial, territorial or Indigenous jurisdictions have the legislative authority to implement and execute response actions within their jurisdictions, while Public Safety Canada has a key role to play to facilitate and enable critical infrastructure security and resilience.

Full guidance: <https://www.publicsafety.gc.ca/cnt/ntnl-scrtr/crtcl-nfrstrctr/esf-sfe-en.aspx>

Media this week: BCMEA’s John Beckett and Rob Ashton, President of ILWU Canada were featured in a Toronto Star article discussing joint health and safety procedures at member terminals: <https://www.thestar.com/news/canada/2020/03/27/how-workers-at-canadas-busiest-port-are-rocking-and-rolling-to-get-food-supplies-and-face-masks-across-the-country-amid-covid-19.html>

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