



**PROVIDING ESSENTIAL SERVICES DURING THE COVID-19 PANDEMIC  
IMPACT OF THE LIABILITY RESTRICTION ORDER UNDER THE  
*EMERGENCY PROGRAM ACT***

**I. OVERVIEW**

The COVID-19 pandemic has created new risks for both employees and employers who are continuing to provide essential services during the SARS-CoV-2 (COVID-19) pandemic.

On April 2, 2020, the Minister of Public Safety issued an order under the *Emergency Program Act*, RSBC 1996, c 111 (the “*Emergency Act*”) entitled the Protection Against Liability (COVID-19) Order, or [Ministerial Order No. M094](#) (the “**Liability Restriction Order**” or the “**Order**”). A copy of the Liability Restriction Order is attached at Schedule “A” to this memorandum.

In summary, the Liability Restriction Order provides that no person (the definition of which includes corporations and partnerships) is liable in damages arising from the transmission of the virus, as long as:

1. The transmission occurred as a result of the person providing essential services;
2. The person was doing so in accordance with relevant emergency and public health guidance; and
3. The person was not “grossly negligent”.

While the Liability Restriction Order would appear to shield employers and others from most risks of liability arising out of providing essential services, there are limitations on the scope of this immunity, and the Order may well be subject to challenge by those who have been harmed by the transmission of the virus.

We summarize some of the relevant issues including (i) the basic scope of employer liability for harm to employees, customers and clients for transmitting the virus, (ii) the protection provided by the Order, and (iii) possible challenges to the legality or application of the Order.

**II. POTENTIAL LIABILITY RISKS FACING SERVICE PROVIDERS**

**A. General Risks of Liability to Customers and Clients**

Entire books have been written on the liability of businesses for harms caused to their customers, clients, and the public generally.

In very general terms, businesses are liable for foreseeable harms caused to others that could have been prevented or mitigated by taking reasonable measures. The greater the potential harm, the higher the standard of care.

In the cases of activities that are known to have a risk of extreme harm (e.g. death), the law may impose a higher standard on the business.

In the case of COVID-19 -- which is known to cause death in some cases, and is known to be transmitted from person to person through physical contact with an infected person or a contaminated surface, or through airborne water droplets -- the standard of care imposed on businesses to avoid transmission through these known mechanisms would likely be found by the courts to be extremely high.

If a person should be seriously harmed or die from a COVID-19 transmission that is proven to have come from a particular business, or employee of a business, in the course of the employee's work, there is a material risk that the business could be found by a court to be, at least partially, liable for the loss.

## **B. The *Workers Compensation Act* and WorkSafeBC Implications**

### **(1) *Employee claims against employers***

One important restriction on potential liability arising from COVID-19 relates to liability towards employees exposed during the course of work.

In particular, section 10 of the *Workers Compensation Act*, RSBC 1996, c. 492 ("*WCA*") bars a legal action by a worker, the worker's dependants and family members, against the employer, another employer or another worker who may have caused or contributed to their injury, disability, or death where the conduct that caused the injury, disability or death arose out of and in the course of the employment.

Further, if it is found that the injury or death was due partly to a breach of duty of the employer or worker, then no damages are recoverable for the portion of the loss or damage caused by the negligence of the employer or worker. This is often referred to as the "Section 10 bar". For example, if an employee suffered illness or death due to contracting COVID-19 in the workplace, the Section 10 bar would prevent an employee bringing a claim against the employer.

Any party to a legal action, or the court, may ask the Workers' Compensation Appeal Tribunal ("*WCAT*") to determine whether the injuries arose out of and in the course of employment. This is called a "Section 257 Certificate". The Section 257 Certificate determines what legal actions may be taken and against whom. If *WCAT* determines that the injury arose out of an in the course of the worker's employment, that would be a bar to any legal action against the employer (or employees) in court.

### **(2) *Potential WorkSafeBC issues***

The fact that employers are generally immune from lawsuits brought by employees for harms suffered in the workplace does not mean employers are immune from the risk of liability stemming

from COVID-19. Under Part 3 of the *WCA*, employers face a risk of liability if WorkSafeBC determines that the employer contravened the *WCA*. Among other specific obligations, the *WCA* requires employers to ensure the health and safety of all workers working for the employer and any other workers present at the workplace at which the employer's work is being carried out (see section 115).

WorkSafeBC has issued COVID-19-specific policies, including a guide for employers on preventing exposure to COVID-19 in the workplace and a policy specific to construction work. Employers who do not comply with these policies (or orders from the Provincial Health Officer) and train employees on them, with resulting injury or illness to employees, run the risk that WorkSafeBC could take action against them in the form of orders, administrative penalties or even recommendations for criminal prosecution in severe cases.

### **(3) Summary**

In summary, while any potential liability towards employees who contract COVID-19 as a result of work will generally be barred by section 10 of the *WCA*, employers are subject both to the general obligations in relation to maintaining a safe workplace, as well as any specific lawful directions of WorkSafeBC in relation to COVID-19.

## **III. LIABILITY LIMITATION ORDER**

### **A. Scope of Protection Provided by the Order**

#### **(1) Introduction**

As noted above, on April 2, 2020, the Minister of Public Safety issued the Liability Limitation Order under the *Emergency Act*.

The clear rationale for the Order is to ensure that essential services providers can continue to provide essential services to the population without fear of liability, and that such providers are not deterred by potential liability from continuing to providing those essential services during the course of the pandemic.

The Order states the Minister's conclusion that this limitation on liability is "necessary to support the provision of daily services essential to preserving life, health, public safety and basic social functioning". It is therefore considered to be in the public interest because it shields those providing essential services from liability for providing these services.

The Order lists the essential services in a schedule attached to the Order, and exempts persons providing those services from potential liability stemming from the risks of infection associated with working during the pandemic.

The key provision of the Order is section 3, which provides:

(1) A person is not liable for damages resulting, directly or indirectly, from an individual being or likely being infected with or exposed to SARS-CoV-2 as a result of the person's operating or providing an essential service if, at the relevant time, the person

(a) was operating or providing the essential service in accordance with all applicable emergency and public health guidance, or

(b) reasonably believed that the person was operating or providing the essential service in accordance with all applicable emergency and public health guidance.

(2) Subsection (1) does not apply to a person referred to in that subsection if, in operating or providing the essential service, the person was grossly negligent.

## **(2) *Potential limitations of the Order***

While the limitation on liability provided for in the Order is broadly worded, it does not shield persons providing essential services from COVID-related liability in all circumstances. Three limitations are particularly important.

First, the Order only operates prospectively, from the date of the Order, April 2, 2020, and only shields persons from liability for COVID-19-related harms caused while the declaration of emergency under the *Emergency Act* remains in force.

Second, the damage in question must have been caused by a person "operating or providing" an essential service, as set out in the schedule. While this will be reasonably clear in most cases, there may be some uncertainty about whether a person was in fact providing or operating an essential service at the time of transmission.

Third, the Order does not shield a person from liability if the person was not acting, and did not reasonably believe they were acting, in accordance with all applicable emergency and public health guidance. This includes orders made under the *Emergency Act*; orders or directions of a health officer under the *Public Health Act*; and guidelines from the Centre for Disease Control, the Public Health Agency of Canada, health authorities, and various other government sources.

To benefit from the protection of the Order, it is therefore important that businesses carefully monitor all orders and directives and other authoritative sources of guidance and implement the practices as soon as they have been ordered or announced.

Fourth, the Order does not shield a person from liability if they were "grossly negligent", which is a term that is not defined in the Order or the *Emergency Act*. In the absence of an express definition, courts are likely to import the common law definition.

At common law, "gross negligence" has been described as "conduct, which, in terms of the surrounding circumstances, has aggravated, flagrant, or extreme characteristics"; carelessness going "substantially beyond mere casual inadvertence or momentary forgetfulness or thoughtlessness"; or "a very marked departure from the standards by which responsible and competent people" are expected to conduct themselves under the circumstances.

In summary, as long as persons are performing an essential service in accordance with emergency guidelines and orders, and do not commit an act of gross negligence, the Limitation of Liability Order provides that they are not liable for damages resulting directly or indirectly from causing another person to contract COVID-19 subsequent to the making of the Order and for the duration of the declared state of emergency.

## **B. Potential challenges to the Limitation of Liability Order**

### **(1) Introduction**

This Order will be controversial, and may well be subject to challenge. We can conceive of three potential bases to challenge the legality or, in some cases, the application of the Order.

Although the prospects of such challenges being successful might appear relatively slim in the abstract, for the reasons set out below, there may be circumstances in which a challenge is plausible, and therefore it would be premature at this stage to draw any definitive conclusions.

### **(2) Administrative law challenge**

A regulation will only be unlawful if it is “inconsistent with the objective of the enabling statute or the scope of the statutory mandate” to the point of being, for instance, “irrelevant”, ‘extraneous’ or ‘completely unrelated’; or “if the rule ‘is one no reasonable body informed by [the relevant] factors could have [enacted]’”.

In this case, the clear purpose of orders under section 10 of the *Emergency Act* is to permit the Government to take urgent steps to address and mitigate the harms of disasters and emergencies.

Although a public health epidemic is not expressly included in the definition of an “emergency” under the *Emergency Act*, it is likely that a court would conclude that the COVID-19 pandemic qualifies as an emergency requiring prompt coordination of action or special regulation of persons to protect the health, safety or welfare of the population.

In addition, it appears that there is a reasonable argument that:

1. The rationale for the Liability Limitation Order is reasonable, consistent with, and not “completely unrelated” to the purpose of the statutory regime; and
2. The issuance of the Order falls within the powers of the Minister to do any acts deemed necessary to respond to or alleviate the harms of the emergency in question.

### **(3) Potential Charter challenge**

Second, it appears unlikely that section 7 of the *Charter* would provide a viable vehicle for challenging the Order. That section provides that everyone “has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice”.

The courts have consistently held that section 7 does not apply to economic rights, and in particular, have held that the right to commence legal proceedings to collect damages for injuries suffered falls outside section 7 of the *Charter*.

However, given the sometimes evolving and context-specific nature of constitutional rights, as well as the risk of challenges under other sections that might arise in light of the effects of the Order (such as a potential challenge under the equality provisions), the constitutionality of the Order may depend on the strength of the justification for the Order as a necessary means for ensuring the continued provision of essential services during the pandemic.

**(4) *Potential federalism challenge***

Finally, there is a question of whether “federal undertakings”, such as interprovincial or international railways, pipelines, and other interprovincial or international transportation or communication undertakings, will be subject to the provincial laws in question, and in particular, will be entitled to benefit from the limitation on liability set out in the Order.

As a starting point, it is settled law that:

1. Rights of action for damages for personal injury and the procedure relating to such actions are matters which, for constitutional purposes, fall within exclusive provincial legislative competence; and
2. Provincial laws of general application – including laws in relation to personal injury causes of action – apply to federal undertakings, unless those laws either impair a vital or core aspect of the federal undertaking or the federal power under which it is constituted, or conflict with valid federal laws governing the circumstances in question:

While provincial laws in relation to causes of action arising out of personal injuries, including any limitations on such causes of action, are generally matters that fall within provincial legislative competence, and at least presumptively will apply to every person and entity operating in the province, including federal undertakings, there are some possible exceptions. It may therefore be important to look at each federal undertaking and circumstance individually, and the particular regime governing the operation of those undertakings, in order to determine whether the undertaking benefit from the limitations on liability set out in the Order.

This memorandum is intended to provide general information only. For advice or questions about particular situations, or for additional clarification of any points in this memorandum, please contact John Legge, Rob Grant, Andrea Zwack or Melanie Vipond or any of our lawyers. The contact information for all of our lawyers can be found at [www.glgzlaw.com](http://www.glgzlaw.com)

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PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF PUBLIC SAFETY AND  
SOLICITOR GENERAL

*Emergency Program Act*

Ministerial Order No. M094

WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS section 10 (1) of the *Emergency Program Act* provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

AND WHEREAS the threat of the COVID-19 pandemic to the health, safety or welfare of people has resulted in guidelines, recommendations or requirements to limit in-person contacts;

AND WHEREAS it is necessary to support the provision of daily services essential to preserving life, health, public safety and basic social functioning;

AND WHEREAS it is in the public interest to protect persons who operate or provide essential services from liability for damages relating, directly or indirectly, to COVID-19, if those persons operate or provide those services, or reasonably believe that they are operating or providing those services, in accordance with all applicable emergency and public health guidance;

I HEREBY order that the attached Protection Against Liability (COVID-19) Order is made.

April 2, 2020

Date



Minister of Public Safety and Solicitor General

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*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Emergency Program Act*, R.S.B.C. 1996, c. 111, s. 10

Other: MO 73/2020

## PROTECTION AGAINST LIABILITY (COVID-19) ORDER

### Definitions

1 In this order:

“Act” means the *Emergency Program Act*;

“emergency and public health guidance”, in relation to an essential service, means any of the following with respect to the COVID-19 pandemic:

- (a) an order made under the Act;
- (b) an instruction or order of a health officer, as defined in the *Public Health Act*;
- (c) guidelines of the British Columbia Centre for Disease Control;
- (d) guidelines of the Public Health Agency of Canada;
- (e) guidelines published on a website maintained by or on behalf of the government;
- (f) guidelines of a health authority;
- (g) guidelines of a regulatory authority or body having jurisdiction with respect to a person operating or providing the essential service;

“essential service” means

- (a) a service within a class or type of service set out in the Schedule, or
- (b) a service provided by a class of persons set out in the Schedule;

“exposed”, in relation to SARS-CoV-2, means to have been in contact with, or near, a person or thing that is or may be infected with SARS-CoV-2, in such a manner as to be at risk of being infected with SARS-CoV-2;

“health authority” means

- (a) a regional health board designated under the *Health Authorities Act*,
- (b) the First Nations Health Authority, or
- (c) the Provincial Health Services Authority.

### Application of order

2 This order applies during the period that starts on the date this order is made and ends on the date on which the declaration of a state of emergency made March 18, 2020 under section 9 (1) of the Act expires or is cancelled or, if there is an extension under section 9 (4) of the Act, the date on which the last extension of that declaration expires or is cancelled.

### Reliance on emergency and public health guidance

3 (1) A person is not liable for damages resulting, directly or indirectly, from an individual being or likely being infected with or exposed to SARS-CoV-2 as a result of the person’s operating or providing an essential service if, at the relevant time, the person

- (a) was operating or providing the essential service in accordance with all applicable emergency and public health guidance, or



- (b) reasonably believed that the person was operating or providing the essential service in accordance with all applicable emergency and public health guidance.
- (2) Subsection (1) does not apply to a person referred to in that subsection if, in operating or providing the essential service, the person was grossly negligent.

## **SCHEDULE**

### **Essential Services**

#### **Health and Health Services**

##### Direct-to-public health services

- all health care services, including acute care (hospitals), secondary or long-term care, coroners' services, health-care providers working within and outside an acute care setting and other health services, including public health, detox facilities, safe-injection sites, COVID-19 testing, clinical research supporting the COVID-19 response, blood/plasma donation services and emergency pre-hospitalization services;
- other health services and caregivers, including physicians, dentists, psychiatrists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, mental health and substance use workers, including peer support workers, speech pathologists, diagnostic and therapeutic technicians and technologists, counsellors, chiropractors, naturopaths, dentists, crisis centres, outreach workers, overdose and harm reduction services, meal programs;
- health first responders (paramedics).

##### Health services providers

- pharmaceutical production, medical laboratories/research, medical testing, pharmacies, medical supply and equipment manufacturers, wholesale, distribution and stores;
- analytical testing labs related to testing of finished product for pathogens and contaminants;
- safety supply (e.g., work clothes, personal protective equipment, medical/pharmaceutical/ laboratory supplies, etc.) stores, manufacturers, technicians, logistics and warehouse operators;
- medical wholesale and distribution;
- health plans, billing and health information.

#### **Law Enforcement, Public Safety, First Responders and Emergency Response Personnel**

- first responders, including police and fire;

- services providing for public safety, including commercial vehicle safety enforcement (CVSE), corrections and detainment facilities, park rangers, security and protective services, court services, bylaw enforcement, as well as communications and dispatching support for first responders;
- volunteers, such as search and rescue (SAR) and public safety lifeline volunteers (PSLV);
- public sector workers for peace, order and good government;
- employees of contracted service providers in these fields, including maintenance of technical infrastructure to support this work and compliance with health and public safety orders;
- businesses that provide support to police and correctional services;
- operations and services in support of the Canadian Armed Forces and Canadian Border Services Agency;
- emergency management personnel at local, regional and provincial levels;
- businesses that ensure global continuity of supply of aggregates to support critical infrastructure repairs and emergency response requirements (e.g., sandbags, armour stone barriers, etc.);
- equipment and uniform suppliers for first responders.

#### **Vulnerable Population Service Providers**

- businesses and non-profits that provide food, shelter, social and support services, and other necessities of life for economically disadvantaged or otherwise vulnerable individuals, such as:
  - food banks;
  - community kitchens;
  - voluntary and community service providers;
  - residential health facilities;
  - mental health, substance use and addictions services;
  - transitional, social and supportive housing;
  - SROs (single room occupancy);
- community services and outreach for immigrants, refugees, vulnerable populations and non-market housing, including businesses that sell, rent or repair assistive/mobility/medical devices, aids and/or supplies;
- care for seniors, adults, children or individuals with disabilities;
- childcare services for those persons providing essential services;
- caregivers for children in care and out of care;
- elder and disability care, including disabled service support, for physical and cognitive disable persons;
- residential care for individuals with mental health and substance use challenges, including licensed and registered treatment and recovery facilities;

- government and non-profit service delivery staff who provide access to income supports for people in need of food and shelter;
- residential and care facilities and shelters for seniors, adults, children and people with disabilities;
- overdose prevention sites, clinical overdose prevention services or medical cannabis provision;
- businesses that sell, rent or repair assistive/mobility/medical devices, aids and/or supplies, or other products/services that support the health sector, including mental health and addictions/counselling supports.

### **Critical Infrastructure Service Providers**

- critical infrastructure service providers, including drilling and production, refineries, processing, completion facilities, utilities, transportation, transmission stations, storage facilities critical in supporting daily essential electricity needs, drinking water, waste water, electricity (including associated infrastructure), steam, alternative energy production, waste and hazardous management, industrial recycling, oil and natural and propane gas, fuel, other fuel sources, such as heating oil and wood pellets, and operating staff;
- manufacturing of goods necessary for the continued and immediate operation of other essential infrastructure and businesses;
- gas stations, diesel, propane and heating fuel providers including providers of motor vehicle, aircraft and water/marine fuels, and providers of charging stations for electric vehicles;
- operations and employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:
  - operational staff at water authorities;
  - operational staff at community water systems;
  - operational staff at wastewater treatment facilities;
  - workers repairing water and wastewater conveyances and performing required sampling or monitoring;
  - operational staff for water distribution and testing;
  - operational staff at wastewater collection facilities;
  - operational staff and technical support for SCADA control systems;
  - chemical disinfectant suppliers for wastewater and personnel protection;
  - workers that maintain digital systems infrastructure supporting water and wastewater operations.

### **Food and Agriculture Service Providers**

- food cultivation, including farming, livestock, aquaculture and fishing, businesses that support the food supply chain, community gardens and subsistence agriculture;
- food processing, manufacturing, storage and distribution of foods, feed products and beverages;

- workers essential to maintain or repair equipment in food processing and distribution centres;
- workers, including temporary foreign workers, to support agricultural operations to enhance food security;
- farming supply, including seed, fertilizer, pesticides, farm machinery sales and maintenance;
- inspection services and associated regulatory and government workforce and supporting businesses required for slaughter of animals, dairy production and food safety;
- businesses that provide for the health and welfare of animals, including veterinarians, farms, boarding kennels, stables, animal shelters, zoos, aquariums, research facilities and other service providers.

#### Retail

- grocery stores;
- convenience stores;
- farmers markets;
- other establishments engaged in the retail sale or provision of food;
- pet or livestock supply;
- liquor;
- cannabis;
- other household consumer products, such as cleaning and personal care products;
- stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation and essential daily operation of residences, such as home supply, hardware, building material stores, pawn brokers, and garden centres and nurseries.

#### **Transportation, Infrastructure and Manufacturing**

- supply chain services needed to supply goods for societal functioning, including cooling, storing, packaging, transportation, warehousing and distribution;
- workers who support the maintenance and operation of cargo transportation services, including crews, maintenance, operations and other facilities workers;
- manufacturers and distributors (to include service centres and related operations) of packaging materials, pallets, crates, containers and other supplies needed to support manufacturing, packaging, staging and distribution operations;
- truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and municipal and provincial services;
- local, regional, and provincial delivery services, including, but not limited to:
  - businesses that ship or deliver groceries, food, goods or services directly to businesses and residences;
  - mailing and shipping services;

- services to support and enable transportation, including highway, road, bridge maintenance and repair;
- employees who repair, maintain and overhaul vehicles, aircraft and parts, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers, as well as vehicle rentals and leasing;
- services that facilitate the transportation of essential supplies, personnel and services, including port/waterfront operations, road, air and rail operations;
- facilities supporting interprovincial and intra-provincial delivery of goods, including truck scales, commercial vehicle inspection stations, brokerages, truck towing and repair services, commercial cardlock fuel providers, and truck and rest stops;
- government owned or leased buildings;
- businesses that supply other essential businesses and people working from home with the support or supplies necessary to operate;
- private transportation services, including taxis, ride-hailing, helicopter, aircraft and marine vessels;
- public transportation services under rules for physical distancing or other recommendations from the Provincial Health Officer (PHO);
- workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods and support the natural resource sector, as well as workers supporting safety at such facilities;
- provision of public services that support the safe operation of regulated businesses and the provision of public services that support those businesses to meet other regulatory requirements;
- workers who support the operation, inspection, and maintenance of essential public works facilities and operations;
- workers who support the inspection and maintenance for ongoing safety at industrial facilities;
- inspectors who ensure worksites are safe for workers, and who investigate serious workplace accidents;
- workers who process and manage claims made by injured workers, including services related to their care and treatment, as well as the provision of workers' compensation benefits;
- hotels and places of accommodation;
- activities of the consuls general and staff who support the work of the consuls general;
- landlords of buildings where the consulates are located and those who guarantee access to consular offices as well as the operation of the consular offices;
- storage for essential businesses;
- businesses that provide materials and services for the operation, maintenance and safety of transportation systems (road, transit, rail, air and marine) including delivery of maintenance services, such as clearing snow, response to collisions and completing needed repairs to transportation systems;

- businesses that extract, manufacture, process and distribute goods, products, equipment and materials, including businesses that manufacture inputs to other manufacturers (e.g., primary metal/steel, blow molding, component manufacturers, chemicals, etc. that feed the end-product manufacturer);
- vegetation management crews and traffic workers who support environmental remediation/monitoring and who respond to environmental emergencies;
- businesses providing staffing services, including temporary labour services;
- businesses that support the safe operations of residences, essential businesses and facilities/buildings.

### **Sanitation**

- cleaning services necessary to provide and maintain disinfection;
- manufacturing of sanitary products, including household paper products, chemicals, microelectronics/semi-conductor;
- companies that are able to retrofit their production facilities to produce goods/services that can be used to address critical shortages of sanitary and protective goods;
- businesses that support environmental management/monitoring and spill cleanup and response, including environmental consulting firms, professional engineers and geoscientists, septic haulers, well drillers, pesticides applicators and exterminators, management of industrial sewage/effluent (e.g., for mining operations) and environmental laboratories;
- waste (garbage and organics) and recycling collection, processing and disposal.

### **Communications, Information Sharing and Information Technology (IT)**

- workers maintaining IT and communications infrastructure for medical facilities, governments facilities, emergency response and command agencies, energy and utilities, banks and financial institutions, employees working from home and other critical infrastructure categories and personnel, including managing information and cyber-security incidents;
- newspapers, television, radio, online news outlets and other media services;
- IT, radio, cable providers and telecommunications services, including
  - phone, internet, wireless communications and data centres;
  - satellite operations;
  - undersea cable landing stations;
  - internet exchange points;
  - manufacturers and distributors of communications equipment.

### **Non-Health Essential Service Providers**

- feed, water, bedding, veterinary care, veterinary supply, transport and processing services for livestock, animal shelters and pets;

- coroners and workers performing mortuary services, including funeral homes, crematoriums, cemeteries, and workers supporting the appropriate handling, identification, storage, transportation and certification of human remains;
- banks and their branches;
- credit unions and related financial institutions;
- workers who support security and technical operations supporting financial institutions;
- capital markets, including the British Columbia Securities Commission, self-regulatory organizations, exchanges, clearing agencies, investment fund dealers and advisers and managers;
- services related to bankruptcy/credit restructuring;
- non-bank sources of capital, cheque-cashing outlets, money sending and money remittance services, currency exchange services and pawn brokers;
- accounting;
- payroll;
- translation services;
- legal services and insurance providers;
- insurance assessment;
- adjudication providers;
- plumbers, electricians, elevator maintenance providers, exterminators, property management services, custodial/janitorial workers, cleaning services, fire safety and sprinkler systems, building systems maintenance and repair technicians, engineers and mechanics;
- other service providers who provide services that are necessary to maintaining the safety, sanitation and daily essential operation of residences and commercial buildings;
- educational institutions, including public and private K-12 schools and public post-secondary institutions, for the purposes of facilitating remote learning or performing essential functions, including services that are needed to ensure the safety, security, welfare, integrity and health of the community, property and research and certain operational and contractual activities, if operating under rules for physical distancing or other recommendations from the PHO;
  - in relation to research universities, services including COVID-19-related research, residential housing and food services for students on campus, building operations and risk management, animal care services, health services for students, IT including data security and infrastructure, finance, payroll, administration, HR, communications and child care for essential university staff;
- laundromats, dry cleaners and laundry service providers;
- restaurants and other facilities that prepare and serve food, if operating under rules for physical distancing or other recommendations from the PHO;
- towing services and other vehicle repair/maintenance operations;

- schools and other entities that provide free food services to students or members of the public, if operating under rules for physical distancing or other recommendations from the PHO;
- construction work, in accordance with PHO direction, including construction firms, skilled trades and professionals, construction and light industrial machinery and equipment rental;
- businesses that ensure global continuity of supply of primary and value-added forestry/silviculture products (e.g., lumber, pulp, paper, wood fuel, etc.) and soft-pulp products, such as protective masks, gowns, drapes, screens and other hospital supplies and household paper products;
- postal services, including both public and private mailing, shipping, logistics, courier, delivery services and post office boxes;
- research services supporting essential sectors, including medical/clinical research and industrial research;
- all government (local, regional, provincial) functions or services;
- permitting processing and licencing for forestry and environmental projects and services;
- businesses and non-profits that provide support services to citizens and businesses on behalf of government, including, but not limited to, income assistance and disability assistance, pensions, residential tenancy, BC Services Card, drivers' licensing, Affordable Child Care Benefit, Medical Services Plan, forest-worker support programs, notary, commissioner, affidavits, pesticide exams, invigilation for essential trades, 1 888 COVID19, verify by video, and helpdesk for BCeID;
- weather forecasters;
- businesses that ensure global continuity of supply of mining materials and products (e.g., metals such as copper, nickel and gold) and that support supply chains, including
  - mining operations, production and processing;
  - mineral exploration and development, including sand, gravel and aggregates;
  - mining supply and services that support supply chains in the mining industry including maintenance of operations, health and safety;
- workers at operations centres necessary to maintain other essential functions;
- professional services, including lawyers and paralegals, engineers, accountants, translators;
- land registration services and real estate agent services;
- building code enforcement, inspection of buildings, building sites and building systems by building officials and registered professionals (architects and engineers);
- public washrooms and hygiene facilities (toilets, handwash stations, showers) for unsheltered persons;
- parks and green space for public health and sheltering (homeless).