

Health and Safety requirements as an employer during COVID-19

For BC Farmers' Markets

The following questions and answers can be found on the [COVID-19 webpage FAQ section](#).

1 - How can I determine whether I am an employer?

If your farmers' market is operated by a [sole proprietorship](#) and hires workers (e.g. family members), it is considered as an employer. If the sole proprietorship does not hire workers, it is not considered as an employer for WorkSafe BC.

If your farmers' market is operated by an [incorporated society](#) (e.g. incorporated not-for-profit organization), the latter is considered as an employer.

2 - As an employer in BC, what are my legal requirements?

BC's *Workers Compensation Act* and the *Occupational Health and Safety Regulation* set out the legal requirements you must follow as an employer operating in British Columbia.

As an employer, you must ensure the health and safety not only of your own workers, but also ensure your work does not negatively affect (or introduce hazards) to other workers present at a worksite (e.g. vendors, volunteers).

Read [HERE](#) the overview of legislative and regulatory occupational health and safety requirements.

3 - Do farmers' markets need a COVID-19 Safety Plan?

[Refer to question #1 to determine whether your farmers' market governing body is considered as an employer.]

As mentioned on the [WorkSafeBC website](#):

"Every employer is required to have a COVID-19 safety plan that assesses the risk of exposure at their workplace and implements measures to keep their workers safe".

Employers are not required to submit plans to WorkSafeBC for approval, but in accordance with the order of the [Provincial Health Officer](#), this plan must be posted at the worksite. If not possible, you may want to have a market staff or volunteer on site that has a printed copy in

hand. During a WorkSafeBC inspection, employers will be asked about the steps they have taken to protect their workers or to see the plan if it has been developed.

Where should you start? You can refer to the six steps [here](#) suggested by WorkSafeBC including assessing the risk at your farmers' market and developing the necessary policies to manage your workplace. Also, refer to the BCCDC webpage [here](#) for hygienic practices and physical distancing measures that need to be integrated into your market, and build protocols to communicate and implement these measures.

4.a Responsibility of the Manager to check for COVID-19 symptoms:

- In accordance with guidance from the BC Centre for Disease Control:
 - Managers must ensure vendors carry out and pass health checks each day vendors participate at a market.
 - If a manager is unsatisfied with the vendors health check they must not permit the vendor to be present at the market.
 - Vendors must perform health checks and confirm with managers they have passed the health check, otherwise they must not be present at the market.
 - A person must not enter or must leave a market if advised by the owner, manager or staff that the person cannot be safely accommodated, for example, if health check requirements are not met.

To learn more about how to conduct vendor health checks, please visit the WorkSafe website [here](#).

4.b. - What should we do if a market collaborator (vendor, volunteer, board or staff member) is experiencing COVID-19 symptoms?

- In accordance with guidance from the BC Centre for Disease Control:
 - anyone who is sick or displaying symptoms should not attend the market, or if they become ill at the market, go home.
 - testing is recommended for anyone with cold, influenza or COVID-19-like symptoms, even mild ones ([see BCCDC Testing Information](#)). The person will need to [isolate](#) while they wait for test results so they do not potentially spread illness to others.
 - There is no need to inform anyone of the person getting tested; public health will advise if this is necessary. For questions, people should consult their usual care provider or 811.
 - If the COVID-19 test is negative and they don't need to isolate for other reasons (for example, known close contact or international travel within 14 days), the market collaborator should follow up with their usual care provider or 811 regarding next steps to confirm they are clear to return to the market, or if there may be a need for repeat testing or need to isolate for other indications.

- If the COVID-19 test is positive and the market has been notified by public health, please follow the BCAFm guideline: [‘What happens if a farmers’ market experiences an exposure of COVID-19? Navigating Operations & Communications’](#).
- This is a procedure that should be part of your market’s COVID-19 WorkSafe BC safety plan (see question #3). If you wish to have recommendations and support for crafting or officializing this part of your safety plan, your local Environmental Health Officer is the best person to contact.

5 - What is an organization’s duty of care to volunteers, staff and customers and how does public policy, legislation, and emergency measures apply to volunteers?

During a pandemic, volunteers may expose themselves to health and safety risks. From an occupational and health perspective, there is legal risk (for the organization) and civil liability for volunteers. In most provinces, organizations continue to have a responsibility for the health and safety of their premises, which include people visiting and/or providing volunteer services on their premises.

Laws and regulations that impact volunteers vary, particularly during public health emergencies, among provinces and territories. For this reason, it is all the more important to implement policies to ensure volunteer services are offered in a safe and responsible manner, and that appropriate regulatory requirements are observed.

Listen to [this Volunteers Canada podcast](#) for general information applicable to all provinces and helpful practices to consider for AGMs, volunteer engagement and insurance considerations. You can also read the [FAQ sheet](#) about volunteer engagement in public health emergencies from Volunteers Canada.

Farmers’ markets should also speak with their general liability insurance provider to better understand what it is covered with regards to volunteers’ health and safety in normal times.

6 - How can you tell if the person helping at your farmers’ market is a worker or volunteer?

The answer differs, depending on the circumstances, so WorkSafeBC makes every determination on a case-by-case basis. The [FAQ sheet](#) developed for BC Ranchers by AgSafeBC and WorkSafeBC may help you understand some of the factors that are considered in determining whether someone is a worker or a volunteer.

Health and safety responsibilities for another employer’s workers and for contractors and subcontractors are complex. WorkSafeBC recommends you contact the Employers’ Adviser Office [for advice and assistance](#):

Toll Free within Canada: 1-800-925-2233
Lower Mainland: 604-713-0303

Email: eao@eao-bc.org

7 - What are my responsibilities owed to contractors?

If you're hiring a contractor, the first thing you will want to do is confirm whether that person is registered with WorkSafeBC. Read more [here](#) about what you need to know and do to hire registered or unregistered contractors.

Responsibilities owed to contractors are very complex. WorkSafeBC recommends that you contact the [Employers' Advisers Office](#) for further advice and assistance before hiring a contractor:

Toll Free within Canada: 1-800-925-2233

Lower Mainland: 604-713-0303

Email: eao@eao-bc.org