



La Colombie-Britannique annonce un important allègement de responsabilité pour les fournisseurs de services essentiels

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Le 2 avril 2020, le ministre de la Sécurité publique de la Colombie-Britannique a rendu l'arrêté intitulé *Protection Against Liability (COVID-19)*, qui offre un important allègement de responsabilité pour les fournisseurs de services essentiels (qui répondent à la définition), y compris pour les entreprises, à l'égard des personnes exposées au nouveau coronavirus ou qui en sont infectées en raison de leur participation à ces services essentiels.

Ce billet est disponible en anglais seulement.

On April 2, 2020, British Columbia's Minister of Public Safety issued the Protection Against Liability (COVID-19) Order, which provides significant liability relief for persons providing essential services (as defined), including businesses, with respect to individuals who are exposed to or infected with the novel coronavirus in connection with those essential services.

The Order, known formally as [Ministerial Order No. M094](#), was issued under the [Emergency Program Act](#) and has effect from April 2 until the end of the state of emergency. The section relating to liability reads as follows:

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.

While the provisions are new and untested, it is clear that the intention is to allow essential services providers to operate with a higher degree of confidence provided that they comply with emergency and public health guidance.

Application

The Order applies to the provision of “essential services”, which are set out in a schedule under the following headings:

- Health and health services;
- Law enforcement, public safety, first responders and emergency response personnel;
- Vulnerable population service providers;
- Critical infrastructure service providers;
- Food and agriculture service providers;
- Retail;
- Transportation, infrastructure and manufacturing;
- Sanitation;
- Communications, information sharing and IT;
- Non-health essential service providers.

Many specific business categories are listed under these headings, including (among many others) banks, credit unions, investment fund dealers, accounting and payroll businesses, professional services, mining and mineral exploration, construction, warehousing, packaging, distribution, trucking, farming, food processing and grocery stores.

So far, BC is the only province or territory to legislate such an order.

As always, it is important to review the [specific language of the Order](#) carefully in order to fully understand how it might apply to any particular business activity. The news release announcing the Order is available [here](#).

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