
April 6, 2020

BULLETIN

MINISTERIAL ORDER M094 – PROTECTION OF LIABILITY

On April 2, 2020, the Minister of Public Safety and Solicitor General issued an order under section 10 of the *Emergency Program Act* providing immunity from liability for essential service providers. Ministerial Order M094 “Protection Against Liability (COVID-19) Order” (http://www.bclaws.ca/civix/document/id/mo/mo/2020_m094) protects 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. This immunity will not be applicable if a person is grossly negligent.

For the purposes of Order, emergency and public health guidance means any of the following:

- an order made under the *Emergency Program Act*;
- an instruction or order of a health officer, as defined in the *Public Health Act*;
- guidelines of the British Columbia Centre for Disease Control;
- guidelines of the Public Health Agency of Canada;
- guidelines published on a website maintained by or on behalf of the government;
- guidelines of a regional health board designated under the *Health Authorities Act*, the First Nations Health Authority, or the Provincial Health Services Authority;
- guidelines of a regulatory authority or body having jurisdiction with respect to a person operating or providing the essential service.

Essential services covered by this Order include: direct-to-public health services; health service providers; law enforcement, public safety, first responders and emergency response personnel; vulnerable population service providers; critical infrastructure service providers; food and agriculture service providers; transportation, infrastructure and manufacturing; sanitation; and communications, information sharing and information technology. The Schedule to the Order includes more detailed descriptions of the various services providers under each of these general categories.

This will provide protection to local government employees, such as bylaw enforcement officers and firefighters who will be continuing to provide essential services to the public throughout this pandemic, from claims that they infected or exposed a member of the public to COVID-19. The immunity specifically provided under the above Order is similar to the general immunity provided to all local government employees under section 738 of the *Local Government Act*.

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