

Addendum to Advisory Statement: Providing Services Under Public Health Emergency Pandemic Restrictions: Critical Worker Exception to Isolation Requirements

Public health order [CMOH 02-2022](#), effective January 10, 2022, outlines general isolation requirements for confirmed and suspected COVID-19 cases, as well as an exception to isolation requirements for critical workers.

Under this directive, a critical worker is defined as a person identified by the owner or operator of a business or entity who:

- Is essential to continued safe operations, AND
- Provides or is responsible for services that are essential to the safe operation of the business or entity.

This directive further outlines that a person is excepted from general isolation requirements where the owner or operator of a business, sector, or service determines that:

- The person is a critical worker, AND
- The critical worker's absence would cause a substantive disruption of services that would be harmful to the public.

The exception to the isolation requirements is only permitted when:

- Services provided by the business or entity are **critical** for ongoing operation of services that impact the public interest,
- Any substantive service disruption will be **detrimental** to the public interest,
- The worker otherwise required to be in isolation is asymptomatic or mildly symptomatic, AND
- **All other means of staffing critical worker positions have been exhausted.**

It is important to note that the designation of an individual as a critical worker is intended for exceptional circumstances that go above and beyond the desire of individual clients to continue to receive services. As noted above, services that are provided by critical workers need to be critical to the ongoing operation of services that impact the public interest broadly, where a disruption of service would be detrimental to the public interest in broad terms.

Safety & Planning

ACSLPA regulated members should be aware that they may be deemed critical workers by their employers, and so may be asked to return to work or continue working even if they have a confirmed diagnosis or symptoms of COVID-19.

Members should further be aware that should they be deemed critical workers and thus excepted from isolation requirements, their employer **MUST** have a plan in place to accommodate their presence in the workplace which mitigates the risk of the critical worker's infection being transmitted to others.

Controls include limiting access to worksites for critical duties only, and masking and physical distancing requirements. A full list of criteria and controls for safety planning can be found in public health order [CMOH 02-2022](#).

Employers have an obligation to ensure that the critical worker follows the safety plan, and the critical workers is obligated to follow this plan.

Critical Worker Eligibility

The public health directive defines eligible critical workers as “those critical workers who are required to be on-site, in-person for critical work duties”. [Further eligibility criteria](#) were outlined by an Alberta Health spokesperson to the media on January 11, 2022. As per Alberta Health, to qualify as a critical worker, a worker must be:

- Required for in-person operations, AND
- In a position where there is highly specific training and/or very few individuals who are able to complete the required tasks.

Alberta Health further noted that “The workers and worksites to whom this exception may apply are very limited” and that the decision to bring infected workers back to a worksite should only be made as a last resort, in situations where service disruption might endanger the public.

Public health order CMOH 02-2022 recommends that owners or operators utilize a risk hierarchy for isolation exception, following a least to most risk hierarchy when selecting critical workers to return to work.

