

# Your Right to Freedom of Movement during COVID-19

*This fact sheet explains the law in general. It is not intended as legal advice for your particular problem. Because each person's situation is different, you may need to seek legal advice. The information in this fact sheet was reviewed by a lawyer, and was last updated on 20 January 2021.*

Canada's response to the ongoing COVID-19 pandemic includes quarantine and isolation requirements, which will have an impact on an individual's freedom of movement. It is important to know that your employer cannot restrict your freedom of movement unless health orders allow it. This fact sheet explains your obligation to comply with quarantine and/or isolation requirements during COVID-19, your rights to compensation and/or income assistance when you cannot work, your rights with respect to your freedom of movement, and limitations on your employer's authority to prevent you from leaving your accommodations during COVID-19.

## What is quarantine/isolation?

In response to the ongoing COVID-19 pandemic, the Canadian government has imposed quarantine and isolation requirements to limit the introduction and spread of the disease. To quarantine or isolate means to avoid contact with other people and to monitor yourself for symptoms.

## Who will be required to quarantine or isolate?

Individuals who may have been exposed to or infected by COVID-19 will be required to quarantine or isolate. While "quarantine" and "isolation" are often used interchangeably, there is a distinction between the two terms.

**Quarantine** usually applies to people with no COVID-19 related symptoms, whereas **isolation** applies to people who are infected or have developed symptoms. Moreover, the term **mandatory quarantine** is often used to refer to the initial 14-day period upon an individual's entry to Canada from another country.

This fact sheet will focus on time periods outside the 14-day mandatory quarantine. For information on mandatory quarantine, see our fact sheet on *Mandatory Quarantine upon Entry to Canada during COVID-19*.

## What should I do during quarantine or isolation?

During quarantine or isolation, you should do the following:

- stay at home;
- avoid contact with other people;
- practice physical distancing in your home;
- monitor yourself for symptoms, even just one mild symptom, such as:
  - new or worsening cough
  - shortness of breath or difficulty breathing
  - temperature equal to or over 38°C
  - feeling feverish
  - chills
  - fatigue or weakness
  - muscle or body aches
  - new loss of smell or taste

- headache
  - gastrointestinal symptoms (abdominal pain, diarrhea, vomiting)
  - feeling very unwell;
- take and record your temperature daily (or as directed by your public health authority);
  - avoid using fever-reducing medications (e.g., acetaminophen, ibuprofen) as much as possible, as these medications could mask an early symptom of COVID-19.

### When can I end my quarantine or isolation period?

In case of exposure to or infection of COVID-19, you may be required by provincial authorities to quarantine for at least 10 days. After your initially required quarantine period, you may return to normal activities if:

- At least 10 days have passed since any symptoms started, and
- Your fever is gone without the use of fever-reducing medications (e.g. Tylenol, Advil), and
- You are feeling better (there is improvement in sore throat, nausea, vomiting, diarrhea, fatigue). Coughing may go on for several weeks, so a cough alone does not mean you need to continue to self-monitor and self-isolate. **Or,**
- You were self-monitoring and never developed any symptoms.

### Should my employer pay me when I'm in quarantine or isolation?

Not necessarily. Your employer is not required to pay you when you are in quarantine or isolation. You may, however, be entitled to other types of compensation or assistance.

If you become sick, you may be entitled to either paid or unpaid sick leave, depending on your employment contract and the relevant law on employment standards. For more information on employment standards, see our fact sheets on *Employment Standards for Migrant Agricultural Workers in BC* and *Employment Standards for In-Home Caregivers and other Migrant Workers in BC*.

If you miss work due to illness or self-isolation from COVID-19, you may be eligible for the Canada Recovery Sickness Benefit. Please see our fact sheet on *Income Support Benefits for Migrant Workers during COVID-19* for more information.

It is worth noting that your employer must pay you during your **mandatory quarantine** period, meaning the initial 14-day period upon your arrival in Canada. For more information, see our fact sheet on *Mandatory Quarantine upon Entry into Canada during COVID-19*.

### If I'm not required to quarantine or isolate, can my employer require that I stay on the property where I live?

No. You are not required to stay on the property where you live when you are not at work, **unless** you are isolating or in quarantine. Your employer cannot force you to stay on the property; otherwise they are limiting your movement. You can run errands, access services, and enjoy time off. Your employer also cannot restrict your activities when you are off-duty. This applies to all workers, including workers who live in employer-provided housing and workers who live with their employers.

You do need to follow public health orders in carrying out your daily life. The most recent orders can be found at: <https://www2.gov.bc.ca/gov/content/safety/emergency-preparedness-response-recovery/covid-19-provincial-support/restrictions>.

### Can my employer limit my movement?

No. If your employer tries to limit your movement, their actions could be considered abuse and could be a violation of the Temporary Foreign Worker Program's (TFWP) conditions. Examples of prohibited actions by your employer include:

- Intimidating or threatening you not to leave the place where you live or work;
- Physically confining you to your house or workspace;
- Making a policy or forcing you to agree to restricting your ability to leave your accommodations or worksite.

### What can I do if my employer wrongly limits my movement?

If your employer carries out prohibited actions and limits your movement, they could be in violation of the TFWP's conditions. You can file a complaint against your employer for noncompliance.

Your employer has duties under the TFWP that they must comply with and they must uphold the conditions that are listed in your offer of employment. Some of these include:

- Your employer must comply with federal and provincial laws regulating employment in BC;
- Your employer must provide working conditions that are the same as what is listed in your offer of employment; and
- Your employer must provide a workplace where there is no abuse.

To file a complaint for noncompliance of the TFWP conditions, use Service Canada's online fraud reporting tool at: <https://www.canada.ca/en/employment-social-development/services/foreign-workers/fraud/reporting-tool.html>. You can remain anonymous for your complaint.