

Ford Keast HR Fast Facts

Pandemic Preparedness

This is our second Fast Facts related to Coronavirus, COVID-19. This issue includes specific things to consider since we are now in the pandemic phase.

There are many types of businesses and how they are affected by the ripple-effects of the pandemic will vary from place to place. We hope that some of the ideas in this document can help. A reminder: at this time, the *Employment Standards Act* has not changed, nor have requirements under the *Occupational Health & Safety Act*. There is potential legislation, but at this time, it has not been tabled.

Topics covered as of March 18, 2020 HR Fast Facts:

- ❖ Health & Safety and Covid-19
- ❖ Frequently Asked Questions
- ❖ Scenarios
- ❖ Leaves of Absence under the *Employment Standards Act*
- ❖ How to Self-Isolate
- ❖ Assessment Centre

Health & Safety and COVID-19

COVID-19 is a health and safety issue. As in any health and safety scenario, the following apply:

1. Ensure that workplace hazards are removed from the workplace
2. Investigate the situation and make a decision
3. Take all reasonable care to protect employees

1. Ensure workplace hazards are removed. COVID-19 does not offer that option. We are all in this together. Mitigation is the only path.

2. Investigate the situation and make a decision. Stay up to date on government announcements and direction. Proceed with caution related to sources of information and follow credible websites such as government and public health sites. There are many unreliable sources of information related to this virus.

3. Take all reasonable care to protect employees.

- ❖ **Expect and Require Disclosure:** from any individual who has travelled internationally, who has been exposed to someone who has travelled internationally, or with symptoms of COVID-19, or exposed to someone who has COVID-19 or who feels ill with the symptoms of COVID-19.
- ❖ **Take precautions:** This may mean extra cleaning and sanitizing of the workplace, ensuring that people practice social distancing (six feet from each other), and that people who eat together are spread out in the business' lunchroom.
- ❖ **Work from home:** If this works for your type of business, either insist, or offer the option for people to work from home. Provide appropriate resources.
- ❖ **Adhere to protocol.** Try not to make exceptions which take up valuable time and resources. You've made the decisions for your business, if possible, stick to them.



Frequently Asked Questions

Can I temporarily shut down all or part of my business and lay off employees?

Yes. It is preferable if this possibility is mentioned in the employee's original offer of employment, but even if not outlined in the offer, the employer has the capability to lay off. In Ontario, employers can lay off employees for 13 weeks in a consecutive 20 week period with no benefits. The Record of Employment should be Code A: Shortage of Work. If the time period expires, it becomes a termination and that means notice periods apply.

Please see this link with full detail of government of Ontario layoff requirements and information:

<https://www.ontario.ca/document/your-guide-employment-standards-act-0/termination-employment>

Can I reduce employees' hours?

Yes. Note that if an employee is earning 50% or less of their regular wages through reduced hours, they are considered to be on layoff.

If my employee is off sick with COVID-19, do I pay them?

This falls into the Company's sick leave policy and aligns with normal protocol. Current legislation requires a business to provide three days sick leave without pay in each calendar year. These three days are not extra days, they fold into the Company's policy and are concurrent. The three days are in effect if there is no provision of sick leave offered by the Company. After the sick leave days are used up, an individual can take vacation, or an unpaid leave of absence for medical reasons and apply for Employment Insurance. The Record of Employment should be Code D: Illness or Injury.

Can I require employees to take vacation?

Yes, Ontario employers have the right to let employees know when to take vacation. For example, if the person has run out of sick time, but doesn't want to move to an unpaid leave of absence, then vacation time away could come be helpful.

Can an employee refuse to work?

Yes, under the Occupational Health & Safety Act, workers can refuse unsafe work and it is up to the employer to resolve the issue. There are options to consider:

- ❖ Would the employee take a temporary, unpaid leave of absence?
- ❖ Would they be willing to work a reduced work week?
- ❖ What if the company split shifts and reduced the number of people in the work area?
- ❖ Is it feasible to work from home?

If there is no work for a healthy employee and they have no ability to work from home, what are my options?

Options include vacation, then unpaid leave of absence and if necessary, lay off.



Scenarios

Please see the following if/then scenarios which cover a wide variety of issues related to employees, the workplace and mitigation.

If a team member is	Then	Comments
Feeling healthy.	Attend work as normal.	If the business is planning on remaining open.
At work and don't want to touch anything with bare hands.	Wear gloves and continue to wash hands frequently.	The company should provide gloves if possible.
Feeling unwell.	Leave a message with their direct supervisor and stay home until well.	
Does not disclose that they are infected with COVID-19.	The Company reserves the right to discipline anyone who does not disclose, up to and including termination.	
Feeling fever/and symptoms ascribed to COVID-19 or has recently travelled internationally or was near a person who travelled internationally or displaying COVID-19 symptoms.	The employee should contact their supervisor and self-isolate.	
The individual is displaying flu-like symptoms and is at work.	Management can make the decision to send the person home.	
The individual is at home and sick beyond the Company's sick leave offering.	If the business offers a Short-Term Disability plan, then documentation for this option should be completed. If the company does not offer a Short-Term Disability Plan, then the Company would provide a Record of Employment so the individual can apply for Employment Insurance for medical reasons.	
The individual is at home and taking care of someone else and not able to work.	There are a variety of relevant legislated unpaid leaves of absence available should the individual's absence leave extend beyond any Company allocation and vacation.	
The individual has recovered or the person the	With provision of doctor's note, return to work.	Please note the Government of Ontario is reviewing this scenario



individual is taking care of has recovered.		and we await more direction on this aspect of COVID-19.
The individual is at home and working	Paid as normal	
The individual has an off-site meeting scheduled.	The owner of the Company or a management representative should contact the client and make alternate arrangements such as: video-conference, teleconference, postponement	

Leaves of Absence under the Employment Standards Act

Sick	up to three days without pay in each calendar year
Family Responsibility	up to three days without pay due to illness, medical emergency or injury for family member
Family Medical	up to 28 unpaid weeks to provide care to a family member who has a risk of death occurring within a period of 26 weeks
Family Caregiver	up to 8 unpaid weeks to provide care or support to a family member with a serious medical condition
Critical Illness	up to 37 unpaid weeks to care for a critically ill child
Critical Illness	up to 17 unpaid weeks to care for a critically ill adult family member
Child Death	up to 104 unpaid weeks leave if their child under 18 years of age dies
Bereavement	up to 2 unpaid days in each calendar year due to the death of a family member
Declared Emergency	unpaid declared emergency leave if the employee will not be performing their duties because of a declared emergency

How to Self-Isolate

STAY HOME

- ❖ Do not use public transportation, taxis or rideshares.
- ❖ Do not go to work, school or other public places.
- ❖ Your health care provider or public health unit will tell you when it is safe to leave.

LIMIT THE NUMBER OF VISITORS IN YOUR HOME

- ❖ Only have visitors who you must see and keep the visits short.
- ❖ Keep away from seniors and people with chronic medical conditions (e.g. diabetes, lung problems, immune deficiency, and more).

AVOID CONTACT WITH OTHERS

- ❖ Stay in a separate room away from other people in your home as much as possible and use a separate bathroom if you have one.
- ❖ Make sure that shared rooms have good airflow (e.g. open windows).



KEEP DISTANCE

- ❖ If you are in a room with other people, keep a distance of at least two metres/six feet.
- ❖ Wear a mask if you have one. (There are varying opinions on efficacy of masks.)

COVER COUGHS AND SNEEZES

- ❖ Cover your mouth and nose with a tissue when you cough or sneeze.
- ❖ Cough or sneeze into your upper sleeve or elbow, not your hand.
- ❖ Throw used tissues in a lined wastebasket and immediately wash your hands.
- ❖ After emptying the wastebasket, wash your hands.

WASH YOUR HANDS

- ❖ Wash your hands often with soap and water.
- ❖ Dry your hands with a paper towel or with your own cloth towel that no one else shares
- ❖ Use an alcohol-based hand sanitizer if soap and water are not available.

Assessment Centre (London)

Assessment centres are opening across the province. In London, the assessment centre is currently available seven days a week from 11:00 a.m. to 7:00 p.m. Please review their important information:

<https://www.healthunit.com/news/local-covid-19-assessment-centre>

There are two steps to be taken before attending on-site at the Health Assessment Centre:

1. use an on-line assessment tool which you will find at the above website
2. call Telehealth at 1-866-797-0000 for a telephone assessment if you have symptoms that include fever and/or cough AND any of the following within 14 days prior to the onset of illness:
 - a) travel outside Canada
 - b) close contact with a confirmed or probable case
 - c) close contact with a person with Acute Respiratory illness who has been to an affected area

Under the Occupational Health & Safety Act, it is the responsibility of employers to ensure the safety of their workplaces and their employees.

For further information on the Coronavirus visit the links below:

[Ontario Ministry of Health - Coronavirus](#) | [Public Health Agency of Canada - Coronavirus](#)

Please feel free to contact me at any time if I can assist you with your Human Resources challenges.

519.679.9330 Ext. 401 | jdanyluk@fordkeastHRC.ca

