

Employer Tips Sheet Managing COVID-19

Table of Contents

Overview

Getting on Top of the “To-Do List”

Employee Retention: Work-Sharing Options

Employee Lay-Offs and Termination Information

Resources and Links

Additional HR Assistance

Overview

One of the key challenges for you as an employer during the Covid-19 pandemic is how to retain your workforce, and reduce the impact of lay-offs or staff reductions while the business takes a downturn or is disrupted for an extended period of time.

While we recognise each business is unique, and decisions on how best to manage the operations during this time will vary, here are some things to for you to consider as you work through your specific situation.

This information is a resource only and with the conditions rapidly changing we suggest that businesses that are concerned about their employment relations should seek specific legal advice and ensure that decisions are made based on the most current available public health and medical information.

If your business is staying open during this epidemic please be cognisant of the following suggestions of the Government of Canada:

1. Where feasible, adjust policies to reduce social contact and practice social distancing (ideally 3 metres) including: flexible hours, staggering start times, teleworking arrangements, using email and teleconferencing.
2. Postpone all non-essential visits to your workplace by vendors and other business contacts.
3. Ensure that employees who have disclosed that they have underlying health conditions or other factors that would lead them to be considered as vulnerable to COVID-19 are self-isolating for a 14-day period. This includes individuals who have had interactions with anyone who has the virus.

The Federal government has introduced a change in Canada's sick-leave benefits under the Employment Insurance (EI) program due to COVID-19. You can now get EI benefits for an entire 14-day quarantine. If an employee is unable to work due to quarantine or self-isolation, they may apply for sickness benefits. The one-week waiting period for EI sickness benefits has been waived for new claimants who are quarantined so they can be paid for the first week of their claim. Employees in quarantine and seeking to waive the one-week EI sickness benefits waiting period so that they can be paid for the first week of their claim should contact the new dedicated toll-free phone number:

- Telephone: 1-833-381-2725 (toll-free)
- Teletypewriter (TTY): 1-800-529-3742

4. All non-essential travel outside of Canada has been suspended. Check the Government of Canada Travel Advice and Advisories page prior to all business travel. Employees returning from international travel should self-isolate for a period of 140 days and contact their local public health authority with any symptoms.

Maintaining contact with your employees is critical during this time to keep them informed and engaged in what is happening in the business through updates and phone/webcam contact if in-person meetings are not advisable or possible. Let them know that you are there to support them during this time and encourage them to stay connected via telephone or online to reduce the mental health impact of social isolation.

Getting on Top of the “To-Do List”

Many times in the normal course of business you/your staff do not have time to get to some of the ‘basics’. If you are able to afford maintaining staffing levels, consider a slow down in business as an opportunity to get to some of those items, that are business necessary, but don’t always get the attention when you’re running at full capacity.

The benefits of getting on top of the “to do” list are that you will keep your business “business ready” and your staff engaged. Maintaining morale and motivation are paramount during downturns, and keeping staff busy is beneficial to mental health and wellbeing.

Here are some activities/items for your consideration:

- Employee Training – being mindful of the need to maintain and follow recommended precautions re. people contact, employees could use the downtime for self-study and process/procedure review/refreshers that may not require in-class training and is always a challenge to get the time when you are running at full capacity/operations
- Alternate Work Solutions – you may be able to use alternate work solutions such as working from home, by using available technology, or the Government of Canada’s Work-Sharing Program* to engage and retain your workforce while you manage until the threat of Covid-19 is reduced (*you will find information included on this program)
- Alternate Customer/Client Solutions - Provide customers/clients with limited access to your business site by offering “drive through” or “drop-off or pick-up” services and online order access and payments
- Equipment Maintenance and/or Upgrade – another area that is a challenge when you are running at full capacity. This situation may provide you the time/space to do some necessary systems or equipment maintenance/upgrading. This will ensure business readiness when you do start to see the uptake in the business as the impact of Covid-19 starts to reduce
- Cleaning & Inventory – Depending on the nature of your business site, you may consider using this time to complete cleaning, inventory and a general inspection or maintenance of the site; taking care of the “to do” list
- Updating Operating Procedures, Policies and Work Instructions – Conduct a review of the essential business documents, and use the downtime as an opportunity to bring information/content up to date and compliant if necessary
 - Updating Your Business Website – when was the last time you were able to update your business website, and/or information?



Employee Retention: Work-Sharing Options

If you are able to manage in your business with a reduced work week, and therefore could provide employees with some level of work hours versus lay-offs or terminations, you may want to consider the Work-Sharing Program for your staff. We have provided you with an overview to help in your decision-making, as you decide what is best for your business and staff.

Work-Sharing (WS) is an adjustment program designed to help employers and employees avoid layoffs when there is a temporary reduction in the normal level of business activity that is beyond the control of the employer. The measure provides income support to employees eligible for Employment Insurance benefits who work a temporarily reduced work week while their employer recovers.

The employer and the employees (and the union, if applicable) must agree to participate in a Work-Sharing agreement and must apply together. The goal of the program is for all participating employees to return to normal working hours at the end of the agreement.

The Government of Canada has introduced temporary special measures to the Work-Sharing (WS) program to support employers and employees affected by COVID-19.

These measures extend the duration of Work-Sharing agreements by an additional 38 weeks, for a total of 76 weeks. The mandatory waiting period has also been waived so that employers with a recently expired agreement may immediately apply for a new agreement, without waiting between applications and ease Recovery Plan requirements for the duration of the WS agreement.

The temporary special measures for COVID-19 are effective March 15, 2020 to March 14, 2021.

More information on these special measures for COVID-19 can be found on the Government of Canada website:

<https://www.canada.ca/en/employment-social-development/services/worksharing/temporary-measures-forestry-sector.html>

Employers across Canada may also call toll-free at: 1-800-367-5693 (TTY: 1-855-881-9874)

Employee Lay-Offs and Termination Information

Unfortunately, you may need to consider making staff lay-offs and/or reductions as you review your business or if have made the decision to close your business.

In the case of a temporary lay-off it is defined under the Employment Standards Act (ESA) for Ontario when an employer cuts back or stops the employee's work without ending his or her employment (e.g., laying someone off at times when there is not enough work to do). The mere fact that the employer does not specify a recall date when laying the employee off does not necessarily mean that the lay-off is not temporary.



If you decide to temporarily lay off your employees, you will need to issue a Record of Employment (ROE) for short-term layoffs. For more details on lay-offs, it is recommended that you review your employer obligations under the ESA

<https://www.ontario.ca/document/your-guideemployment-standards-act/termination-employment#section-3>

Phone numbers for ESA:

- Toll-free: 1-800-531-5551
- Tel: 416-326-7160
- TTY: 1-866-567-8893

In the case of a permanent termination of employment, when an employer ends the employment of an employee who has been continuously employed for three months, the employer must provide the employee with either written notice of termination, termination pay or a combination (as long as the notice and the number of weeks of termination pay together equal the length of notice the employee is entitled to receive). You may also use the above link to review your employer obligations regarding termination of employment.

We are in an unprecedented situation with Covid-19, and therefore the Federal and Provincial Governments are updating policy more frequently to address both employer and employee concerns during this time. You are advised to seek advice prior to terminating an employee to ensure you are acting in accordance with the latest legislative changes.

Note: Special rules determine the amount of notice required in the case of mass terminations – where the employment of 50 or more employees is terminated at an employer’s establishment within a four-week period.



Resources and Links

We recognize there is a lot information out in the general public about Covid-19, the impact to businesses, employees and the general population – and changing daily!

We are providing some key links to help you source information, from approved sources, as misinformation only helps to create confusion and unnecessary reaction.

We recommend you keep informed and reach out to our offices if you have any questions.

<https://www.cfib-fcei.ca/en/tools-resources/covid-19-coronavirus-business> CFIB COVID-19 Resource Page, 1-888-234-2232 or cfib@cfib.ca.

<https://www.ontario.ca/page/2019-novel-coronavirus-covid-19-self-assessment> COVID-19 Self-Assessment Tool

<https://news.ontario.ca/newsroom/en> Government of Ontario News

<https://www.canada.ca/> Government of Canada News

<https://www.canada.ca/en/employment-social-development/services/worksharing/temporary-measures-forestry-sector.html> Work-Sharing Program Tel: 1-800-367-5693

<https://www.ontario.ca/document/your-guide-employment-standardsact/termination-employment> Ontario Employment Standards Act, Termination of Employment, Toll-Free: 1-800-531-5551 | Tel: 416-326-7160 | TTY: 1-866-567-8893

<https://www.canada.ca/en/health-canada.html> Health Canada

<https://www.publichealthontario.ca/> Public Health Ontario

<https://www.ccohs.ca/topics/hazards/health/pandemics/> Canadian Centre For Occupational Health & Safety – Pandemics <https://www.ccohs.ca/>

<https://www.simcoe.com/simcoecounty-news/> Simcoe County News

Additional HR Assistance

We recognize that each business is unique and that you may require specific HR advice and assistance. If you need additional HR information, please do not hesitate to reach out to Martin Kuzma directly at martin@nottawasaga.com