

COVID 19 – Human Resources Update and Planning Document

RELEASE DATE MARCH 18, 2020

During these uncertain times, it is important to reassure staff that management is closely monitoring the development of Covid-19 and the related regulations and legislation being put in place to keep their communities and workplaces safe and healthy. We are all operating within a rapidly evolving situation and understand that this unique environment can perpetuate a great deal of uncertainty.

The purpose of this information bulletin is to provide information, and address some of the most common questions we have received. It is current to the morning of **March 18, 2020**, but the pandemic and the responses of federal and provincial governments continue to evolve, and this may impact the accuracy of the information in this bulletin. If in doubt about whether anything in this document is still current, please do not hesitate to contact us. You will also find a list various measures that can be put in place to help mitigate any risk to employees.

AS OF MARCH 18, 2020:

Please note that while we continue to monitor the situation, the situation remains very fluid and legislative and government rules and policies are ever changing. These policies are subject to revision with the introduction of additional government guidelines.

Changes to Employment Insurance and Federal Support Implementation:

- The one-week waiting period for EI sickness benefits will be waived for new claimants who are quarantined so they can be paid for the first week of their claim.
- Establishing a new dedicated toll-free phone number to support enquiries related to waiving the EI sickness benefits waiting period. Please call 1-833-381-2725 for any Covid-19 related enquiries
- Priority EI application processing for EI sickness claims for clients under quarantine.
- People claiming EI sickness benefits due to quarantine will not have to provide a medical certificate.
- People who cannot complete their claim for EI sickness benefits due to quarantine may apply later and have their EI claim backdated to cover the period of delay.
- Introducing the Emergency Care Benefit providing up to \$900 bi-weekly, for up to 15 weeks. This flat-payment Benefit would be administered through the Canada Revenue Agency (CRA) and provide income support to:
 - Workers, including the self-employed, who are quarantined or sick with COVID-19 but do not qualify for EI sickness benefits.
 - Workers, including the self-employed, who are taking care of a family member who is sick with COVID-19, such as an elderly parent, but do not qualify for EI sickness benefits.
 - Parents with children who require care or supervision due to school closures, and are unable to earn employment income, irrespective of whether they qualify for EI or not.
- Longer-Term Income Support is available to Canadians who lose their jobs or face reduced hours as a result of COVID's impact.
- Implementing the EI Work Sharing Program, which provides EI benefits to workers who agree to reduce their normal working hour as a result of developments beyond the control of their

employers, by extending the eligibility of such agreements to 76 weeks, easing eligibility requirements, and streamlining the application process.

Federally Regulated Employees:

- If your employees refuse to work because of the coronavirus (even if an investigation has been conducted internally and concluded no danger) or if there is a confirmed case of coronavirus, Employers should immediately advise the Labour Program at 1-800-641-4049 (toll free).
- The Canada Labour Code provides employees in federally regulated workplaces with a number of job protected leaves if they are ill or if they need to take care of their family. This includes:
 - Medical leave
 - Personal leave

British Columbia:

- As of the release date, BC has not released any additional measures and is following federal regulations and guidelines.

Ontario:

- Access and eligibility to emergency assistance through the Ontario Works program to support individuals impacted by the coronavirus and are not able to meet their basic living expenses is under review.

Quebec:

- Quebec is providing a Temporary Aid for Workers Program for workers who are not receiving compensation from their employer, do not have private insurance and are not covered by government programs such as EI.
 - The lump-sum amount granted to an eligible person is \$573 per week, for a period of 14 days of isolation.
 - If justified by your state of health, the coverage period for an eligible person could be extended to a maximum of 28 days.

Yukon:

- An economic stimulus package is to be put in place to support local workers and businesses impacted by COVID-19. Aspects of the stimulus package will:
 - Support Yukon workers through a COVID-19 related 14-day isolation with paid sick leave.
 - Reduce the negative impact of COVID-19 by establishing a grant program to address certain expenses related to cancelled events.
 - Reimburse Yukon employers who are providing additional paid sick leave to employees for COVID-related illnesses.
 - Stimulate business and the tourism industry by waiving, reimbursing or delaying government fee collection, such as airport landing fees.
 - Relieve financial pressures by deferring Workers' Compensation Health and Safety premium payments and reimburse those paid up-front, waive penalties and interest (with approval by the Board).

Important Employer Considerations Amidst Covid-19

Employee Relations

Dealing with illness in the workplace can be challenging under normal circumstances, but it is even more so when there is a potential pandemic. Without proper communication, employees can become worried about their exposure to the bacteria and viruses, and these worries can affect their productivity.

Employer communications should provide relevant information and encourage employees to remain calm. Organizations should keep the following in mind when developing employee communications:

- Inform employees that the company will take any reasonable and necessary steps to ensure a safe and healthy work environment.
- Identify the biological threat, including typical symptoms.
- Include information on how to protect against getting the illness.
- Advise employees of any changes to policies.
- Notify employees of any discontinued travel.
- Ask employees with concerns to contact HR.

Communications regarding a potential epidemic will help maintain order in the workplace and reduce employee concerns.

Keeping Employees Healthy

A key strategy in getting through the current COVID-19 outbreak is to keep the workforce as healthy as possible. Depending on the severity of the situation, organizations can take various actions, including:

- Sending symptomatic employees home.
- Implementing quarantines for employees returning from high-risk areas.
- Limiting face-to-face meetings.
- Allowing for telework/work from home (See below).
- Temporarily shutting down operations.
- Put more cleaning products around – encourage people to wipe their work areas (if they are left accessible, many more people will use them and clean).
- If possible, put in a hand sanitizing station or two.
- No shared food.
- No physical contact (handshaking, etc.).
- Most importantly, show that the company is looking after health and wellness of employees, the community and customers.

Communication Methods

Health officials have suggested practicing social-distancing during this time. This may change the way management regularly communicates to their employees, and how employees communicate with each other. Companies may need to consider:

- Changing meeting habits (conduct meetings online or via telephone)
- What are the best ways to keep staff informed on and offsite?
 - Email/text
 - Signs posted

Travel

- If any employees are returning from travel outside of Canada, they will be required to self-isolate for 14 days upon return.
 - An exemption to the request to self-isolate for 14 days should be provided to workers who are essential to the movement of goods and people. This exemption would apply to:
 - Healthy workers in the trade and transportation sector who are important for the movement of goods and people across the border, such as truck drivers and crew on any plane, train or marine vessel crossing the border.
 - Healthy people who have to cross the border to go to work, including health care providers and critical infrastructure workers.
- The Federal government has banned all non-essential travel
 - Closing air borders to people who are not Canadian citizens or permanent residents.
 - Travellers will no longer be permitted to cross the border for recreation and tourism.
 - Travel restrictions will not apply to commerce or trade.

Business Continuity Planning

A business continuity plan is a logistical plan that details how an organization will recover interrupted critical business functions after a disaster or disruption has occurred. Employers should take actions to review existing business continuity plans currently in place to ensure that the plans will work in the event of an epidemic. If no business continuity plan exists, employers should begin to develop a plan for a worst-case scenario that may occur during a pandemic.

Employers should prepare for the possibility that a large portion of their workforce will be unable to work during the current COVID-19 pandemic. Questions the plan should answer include:

- How many absences can we handle before business operations are interrupted?
- How do we keep operations running during an interruption?
- What changes can we make to keep the business operating effectively?

Employers operating in a unionized work environment have additional concerns regarding epidemic planning. During the business continuity planning process, unionized employers should closely review their collective bargaining agreements to determine whether special provisions have been made in the event of a disruption of business operations. For example, some agreements may have provisions that provide paid time off to union workers in the event of an emergency when employees are prohibited from reporting to work.

Contingency Plans

Contingency plans should consider the following:

- Who are contingency team members? (key individuals who will make decisions)
- What processes/positions are vital and how they can continue?
 - From home by employee.
 - By another employee if current person becomes ill.
 - Talk through the scenario if an employee tests positive for COVID-19 and the entire company needs to be quarantined.
- If roles can't be continued at home, can flexible changes be made to shifts?

- Such as split shifts (more distance between people), night shifts with one or two people working on key items in different areas.
- What projects can be put on hold now to focus on most important just in case.
- For customer-facing positions, can this be done remotely?
 - If so, consider trying it out now (test run remote meeting software or create a process) so that it is not new and untested if/when needed.

Some staffing strategies that managers may want to consider during the current situation:

- Increasing telecommuting arrangements or relaxing requirements to come into the office.
- Implementing staggered shifts or other alternative work schedules so that fewer employees are in the office together at the same time.
- Employing social distancing measures among employees and customers.

Employers should also look to their IT departments for technology strategies that could help businesses function despite employees' inability to work together in the same room. For employees scheduled to travel to high-risk areas, alternatives to face-to-face meetings include videoconferencing, teleconferencing and webcasts. Businesses may wish to use less formal technologies such as social networking sites (e.g., Twitter, Facebook and LinkedIn) or free instant messaging services to enable employees to communicate with one another quickly while working miles apart.

Complying with Different Laws in Different Countries

A multinational employer will need to implement a pandemic plan across its worldwide operations. However, local laws, including labor, employment and health laws, could affect the plan's legality on a local basis—both in terms of the plan's content and its implementation. Failure to take into account local laws could create local legal liability for the multinational employer.

A best practice is to draft a global pandemic response plan template that accounts for legal compliance internationally and then to adapt that template in each local jurisdiction accounting for local law. As a practical matter, a comprehensive pandemic policy should be broad enough to account for other pandemics and perhaps for emergencies beyond pandemics, such as floods, earthquakes and tidal waves.

Paid Leave Policy and Practices

Questions to ask when reviewing paid leave policies and practices include:

- How will the organization handle "excessive" absences related to employee illness?
- How does the employer's current policy accommodate family illnesses?
- How will the organization apply its paid leave policy in the event of a school or childcare facility closing?
- In the midst of an epidemic, will the employer still require the same level of leave substantiation (e.g., doctor's notes) that it normally requires?
- Is the implementation of flexible leave policies an option—even if temporary?
- How will the employer address employee absences related to obtaining the vaccination for themselves and their families?

Work from Home (WFH) Policy

WFH policies should include the following:

- Established eligibility of employees working from home, based on the nature of their job.
 - If there are certain positions that cannot move to a remote working environment, this should be established right off the bat.
- Cybersecurity and data privacy concerns.
 - Include specific requests should be stated in the policy, for example, asking employees not to work on public Wi-Fi or ensuring that confidential information is not communicated during calls within public spaces such as cafes.
- Assess online resources and tools to enable collaboration.
- Necessary equipment, tools and software that employees will need to have offsite.
 - What can the company provide?
- Consider the conditions of employees' home or alternative place of work (noise, internet connection, etc.).
- Define expectations, including availability expectations, expected response time and productivity measures.

Additional Resources

<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection.html>

<https://www.tradecommissioner.gc.ca/campaign-campagne/ressources-entreprises-COVID-19-business-resources.aspx?lang=eng>

<https://www.labour.gov.on.ca/english/es/>

https://www2.gov.bc.ca/assets/gov/careers/about-the-bc-public-service/bc_public_service_covid19_response_overview.pdf

<http://www.bccdc.ca/health-info/diseases-conditions/covid-19>

<https://www.quebec.ca/en/health/health-issues/a-z/2019-coronavirus/>

<https://www.quebec.ca/en/family-and-support-for-individuals/financial-assistance/temporary-aid-for-workers-program/>

<https://yukon.ca/en/information-about-novel-coronavirus-yukoners>

<https://yukon.ca/en/news/premier-silver-announces-stimulus-package-support-businesses-and-workers>

Please note that this information bulletin is current to the morning of **March 18, 2020**. As this situation is evolving rapidly, we urge you to remain informed to the greatest extent you can. To understand how the information contained in this bulletin might apply in the context of your particular business or operation, please do not hesitate to contact us.

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