

# COVID-19: Employee and Human Resources Implications



There is no question that the rapid spread of COVID-19 is having an impact on businesses around the world and, notably, on your relationship with your employees. While the situation is unique due to the speed at which this COVID-19 has spread, the legal considerations are well established for employers. As a starting point, your approach to employees who are unable to work due to self-quarantine is the same as what applies to employees who are unable to come to work due to other illnesses. These legal considerations include obligations under the provincial Employment Standards Act, as well as the applicable Human Rights, Occupational Health and Safety and workplace insurance legislation. You are also guided by relevant workplace policies, benefit plans, contracts and collective agreements as resources for understanding how to manage legal risk relating to your employees.

## Examples of potential workplace situations that may arise:

- An employee may refuse to attend work due to perceived risks of infection and depending on your industry this may be available to the employee or prohibited pursuant to relevant legislation.
- An employee may request that they be allowed to work remotely due to self-quarantine, and not wanting to be without pay for two weeks.
- Where an employee's family member is ill or quarantined they may be entitled to job-protected family responsibility leave or in their own circumstances a protected sick leave.
- Employers may require employees to stay home and away from the physical workspace where the employee has recently travelled from or been in direct contact with others that were in an 'impacted area' or are showing symptoms of illness.
- Consideration should be given to the employer's duty to provide a workplace that is free of harassment and discrimination, and investigate and follow-up on any comments or behavior that could be perceived as targeting employees based on race, country of origin, nationality or any other prohibited ground.

## Recommendations for employers related to protecting the health and safety of employees include:

- Be proactive. Alert and educate employees about coronavirus symptoms, such as fever, coughing and difficulty breathing, and encourage employees to consult healthcare professionals if they experience such symptoms.
- Be educated. Refer to and rely on information available from public health sources. Government websites provide a wealth of information, including information about recommended precautions.
- Be informed. Consider obtaining/downloading information from government sources and posting this information in the workplace.
- Be practical. Educate employees about recommended hygiene practices, such as proper hand-washing procedures, proper protocols to follow if coughing or sneezing, and so on.
- Be prepared. Ensure adequate supply and availability of sanitizers and other cleaning products, and review and refine as necessary cleaning and disinfecting procedures and protocols, especially in regard to commonly touched surfaces.

There is no indication as to how long this outbreak will last, when it will peak, or when the next new virus outbreak will occur. What is clear is that the lost time due to employee illness and taking care of sick relatives combined with decreased productivity as a result of travel restrictions and forced quarantine will create financial strains for both employers and employees. Impacts could include decrease funds available for wages, commission payments, variable compensation plans and bonus pools that may need to be managed over the longer term.

**Employers should review their policies, procedures, handbooks and manuals to ensure that they have addressed this type of situation clearly and ensure that management is trained on how to address staff issues and communications. Staff should be reminded of their rights and obligations, and who to contact should they become unable to attend work.**

If you have questions relating to employee or human resources implications, please contact us.

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We are KPMG Law. We are a leading firm with one of the soundest reputations in the industry. Our ability to work closely with our other service lines allows you to benefit from our comprehensive approach to tackling your business' challenges. We offer practical, proactive advice and tailored solutions to meet your business and legal needs.

We help you choose the right services. Because every business is different, we don't believe in a "one-size-fits-all" approach. Let us help you build a plan that addresses your business' issues and sets your business up for success.

We never stop working for you. In a rapidly-changing business environment, we believe that the best way to avoid falling behind is to stay ahead of the curve. We're constantly looking for ways to optimize your business' ability to respond to challenges with confidence. As a team dedicated to your needs, we're always monitoring our performance, and finding ways to improve.

## Contact us

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