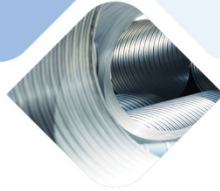




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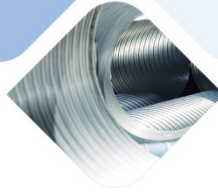
## Safety Reminders

**Public health officials across Canada continue to advise:**

- Work from home if possible
- Wash your hands thoroughly and frequently
- Maintain social distancing of two meters
- Self-isolate for 14 days upon return from travel outside of Canada, or after contact with someone who has travelled
- Self-isolate if you are ill or if you are showing symptoms
- Disinfect surfaces prior to and after making contact with them
- Disinfect fleet vehicles, tools and equipment
- Wear personal protective equipment (as prescribed) while engaged in service work



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# COVID-19 Impacts

*on*

## Human Resources Management

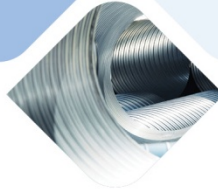
*for*

### Small and Medium-sized Businesses

Wednesday, April 7<sup>th</sup>



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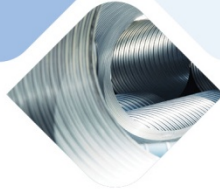


## Purpose of this Webinar

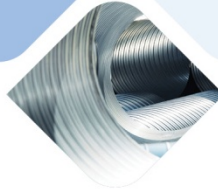
- Federal government support programs for businesses and their employees
- How to manage HR Issues that arise from the COVID-19 pandemic



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# Federal Government Supports



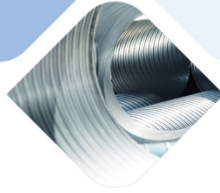
## **Francesco Sorbara**

Member of Parliament Vaughan-Woodbridge

*Parliamentary Secretary to the  
Minister of National Revenue*



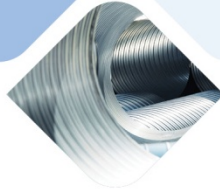
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# Q & A



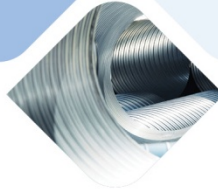
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# Managing HR Issues



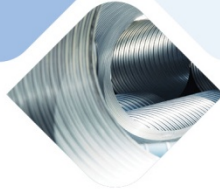
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# Mike Salveta & Kelsey Livesay

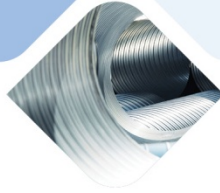
Pivotal Solutions





# Agenda

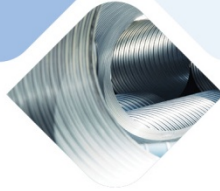
- Most Frequently Asked Questions
- Reducing your Costs
- Other Options for Business to Weather the Storm
- Don't Forget about Recovery
- HRAI COVID-19 HR Helpdesk



## Employer FAQs

**It is my understanding that we are strongly encouraged to try and keep each of our employees working if possible. We have had a few sites shut down due to health and safety concerns.**

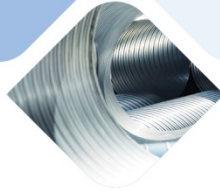
- Only applies if you qualify for the Federal Wage Subsidy
- Otherwise you are free to balance your headcount and cost with your revenue and workload requirements



## Employer FAQs

**We are being told that we have to pay severance packages to employees that are being placed on a temporary layoff (for now until end of June).**

- Possible if constructive dismissal, but a longshot
- Practically, providing you are not singling out a worker or group of workers, you will not face a constructive dismissal claim and you do not have to pay termination payments, provided:
  - The layoff is temporary, in writing and has a recall date of 13 weeks or 35 weeks if you continue benefits;
  - Once the recall date has passed, the employee is then deemed terminated and termination pay applies.

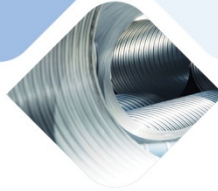


## Employer FAQs

**Do you have any information of how the Employment Standards Act applies for people who have been with the company for over 10 years?**

There are three provisions that impact termination pay:

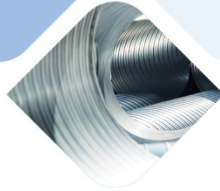
- Notice – up to 8 weeks for 8 years service;
- Severance – for employees over 5 years service and an employer with over 2.5 million in annual payroll, 1 week per completed year of service up to 26 weeks;
- Common (judge-based) Law – companies without a valid termination clause in their employment agreements face an addition sum representing the likely time required to seek alternative employment (based on factors such as age, position, salary, industry and skills).



# Employer FAQs

## Are Companies paying “risk pay” to technicians?

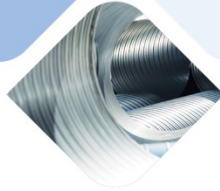
- Perhaps, but we have strongly recommended against using the term “risk” or “danger.”
- Employees are expected to return to work (unless a *bona fide* work refusal or medical condition justifies staying away). We recommend it being structured as a performance incentive, based on achieving a standard (e.g. successful repair – no fail, etc.).



## Employer FAQs

**We have an Employee who says they may have symptoms or have been exposed to someone with the COVID-19 virus. What should we do?**

- Send the employee(s) home and recommend they consult with public health or a medical professional.
- They should not return to work for at least 14 days or until cleared by Health authorities.
- You should advise co-workers who worked with them (no names) that a co-worker has been sent home. They should self monitor.
- Conduct a deep disinfecting of the path of travel in addition to regular enhanced cleaning in all your operations.
- With co-workers, encourage increased social distancing in the workplace – stay 3+ meters apart if possible, stagger breaks, lunches and shifts.

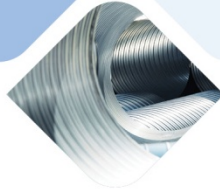


## Employer FAQs

### **An employee has tested positive for COVID-19 – what does the employer do?**

- The employee should not be permitted to return to the workplace until they are free of the COVID-19 virus.
- All employees who worked closely with the infected employee should also be removed from the workplace for at least a 14-day period to ensure the infection does not spread in the workplace.
- “Closely” will depend on the nature of interactions between employees. Employers should err on the side of caution.
- Employers should also take reasonable measures, to the extent possible, to protect the privacy of any employee who contracts COVID-19.



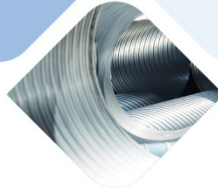


## Employer FAQs

**If we lay off our employees, are they still covered under our benefit plans?**

- This will depend on the language of the benefit plan document.
- Employers must review their policies with their benefit plan provider and advise employees of any limitations or restrictions in coverage.

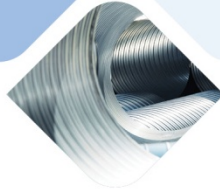




# Employer FAQs

## **What if employees refuse to work because they are afraid of contracting COVID-19 in the workplace?**

- Employers have an obligation to take reasonable care to protect the health and safety of employees under occupational health and safety legislation.
- In the event of a work refusal, the employer must respond in accordance with Provincial or Federal occupational health and safety legislation.
- Whether or not a work refusal is reasonable will depend on individual circumstances. In the event of a work refusal, the employer must respond in accordance with occupational health and safety legislation, which response will include an investigation into the concerns and, if appropriate, adopting measures to eliminate or reduce the workplace danger. This investigation will, in large part, be based upon the current scientific understanding of COVID-19 and the specific facts in the individual workplace. No reprisal for properly exercising a health and safety right may occur.



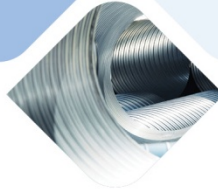
## Employer FAQs

### **Can we require employee who work from home to provide proof that they are, in fact, working?**

- Yes, within reason, employers can ask employees who work from home to demonstrate that they are performing work duties (e.g. submitting a simple log or report at the end of the day/week). However, employers must not impose new supervisory or management controls.
- For example, if employees at work are not subjected to a time clock to monitor how much time they spend logged into a project management app, then introducing one for employees at home is likely to be inappropriate.
- Create a policy which outlines all expectations from service to availability



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# Employers - Reducing Your Costs

As an employer, you potentially have the following seven options to reduce your labour costs:

## Payroll subsidy

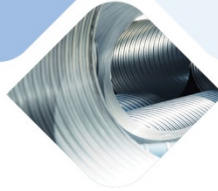
- Eligible businesses, Canadian Controlled Private Corporations (CCPC), now including non-profits, charities as well as large and small companies – whose revenues have decreased by at least 30% due to COVID-19 will apparently qualify for the subsidy.
- The subsidy will cover **up to** 75% of wages on the first \$58,700 that an employee earns, up to a maximum of \$847 a week subsidy for 12 weeks (March 15 to June 6).
- For eligible employers, this "Canada Emergency Wage Subsidy" will apply instead of the existing 10% wage subsidy program.
- Organizations that do not qualify for the new 75% wage subsidy continue to be eligible for the existing 10% wage subsidy on remuneration paid from March 18 to June 19, up to a maximum of \$1,375 per employee and \$25,000 per employer.

## Reduce compensation

- Some employers are temporarily and unilaterally reducing employee compensation packages by 5-20%
- Possibility of employees claiming constructive dismissal (i.e. that they were effectively fired)
- If an employee does claim that they were constructively dismissed then, as an employer, you will have to decide whether to: i) reverse the reduction, ii) deny the dismissal, or iii) admit the dismissal and undermine the claim.



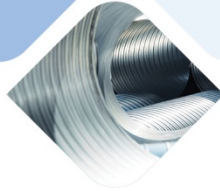
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# Employers - Reducing Your Costs

## Reduce hours of work

- Some employers are temporarily and unilaterally reducing employee hours of work
- If you are going to reduce hours of work, then you have three options:
  - reduce hours immediately, without any government assistance;
  - Lay off staff and then recall them for part-time work; or
  - reduce hours under the Work Sharing Program.
- An employee may remain on layoff and be called in for part-time work or an odd job (i.e. work that is less than 40% of a regular work week)



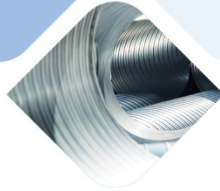
# Employers - Reducing Your Costs

## Schedule vacations

- As an employer, you may unilaterally schedule week-long vacations for all or some of your employees
- By scheduling vacations, you are addressing a liability (or a future liability) and are ensuring a proper compliment when your labour needs pick up again

## Place employees on unpaid leaves

- In order to reduce your labour costs, you may wish to accept many or all of the requests you receive for an unpaid leave of absence

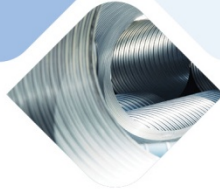


# Employers - Reducing Your Costs

## Temporarily lay off employees

- You may place your employees on an unpaid layoff for up to 13 weeks in a 20 consecutive weeks period (without benefits)
- There are, however, exceptions that allow for the temporary layoff to be extended to not more than 35 weeks in a 52 consecutive weeks period
- For example, employees can be laid off for 35 weeks if you continue to pay for their benefits
- Employees who are temporarily laid off may be eligible for traditional EI Benefits -- up to \$573 per week for up to 45 weeks





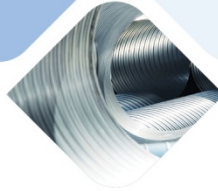
# Employers - Reducing Your Costs

## Dismiss employees

- If the employee is not recalled from layoff within 13 weeks or 35 weeks
- In Ontario, as a result of the dismissal, generally the employee will be entitled to their minimal entitlements under the ESA and wrongful dismissal damages under the common law (judge based law)
- However, a properly drafted termination provision limits an employee to just their ESA entitlements or some other greater defined entitlement



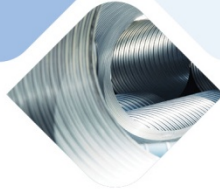
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# Options To Weather the Storm (Stand alone or in Combination)

- **Maximize work schedules** and increase social distancing by staggering shifts (24/7).
- **Implement the EI Work Sharing Program.** Improvements include a streamlined application process, extended eligibility and less restrictive recovery plans.
- **Work at home** where practical. If not, perhaps on a rotation
- **Offer extra days of unpaid leave.** Extra vacation time is something many employees will find agreeable, even if it's unpaid.
- **Communicate** and stay in touch – Contacts, software and groups.
- **Find reasons** to connect with updates from your Benefits provider.



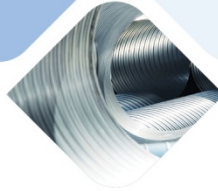


## Don't Forget About Recovery

- **Retention and Engagement** will be a strategic advantage and lead to opportunity. Be Ready and Have a Plan.
- **Be on the lookout for Talent.** Early recovery firms will be cherry picking talent. Your employees could be susceptible to offers,
- Consideration to **update all Employee handbooks** and employment agreement with lessons learned
- Close off **2019 reviews**, and programs
- **Reforecast remaining 2020** plan and communicate expectations
- Align and **set new Performance objectives**, incentive plans and compensation plans to achieve 2020 / 2021 business plan.
- **Train/Develop/Cross train**
- **Team Building / Communications** (town halls etc.)



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# Questions?

For the month of April, HRAI has made arrangements to have free access to get your HR questions answered by its HR partner. If the question is straightforward you will receive email guidance. If more complicated, a phone call.

Send your question and contact information to:

[hrnews@pivotalsolutions.com](mailto:hrnews@pivotalsolutions.com)