

COVID Q&A: Your Questions About the Second Wave, Answered

Question

We cannot have a termination meeting in person. What should we do?

Answer

While best practice has traditionally been to have the termination meeting in person, right now this is impossible or unadvisable in most cases, so try to replicate an in-person meeting as closely as you can. Determine what communication options the employee has: not everyone can join a video call.

If possible, though, a video call is best, as having both visual and audio contact makes it easier to hold a difficult conversation without losing nuances of body language, facial expression, or tone of voice. If a video call is impossible or impractical, a phone call should be your next choice. However you communicate the news, follow up with written materials confirming not only the effective date of the termination and the cause, but any applicable explanations relating to benefits during the notice period and any other information the employee needs about their statutory entitlements. You should also deliver these written materials in a manner you can track (for example, registered mail) to ensure you can prove the employee received them.

Question

Our employees' job requires them to go onsite to customer locations, but we require and provide PPE. What happens if employees say they're still not comfortable going onsite?

Answer

In this case, you have to consider the employee's protection and safety on both ends. If you as an employer are doing everything to protect the health and safety of your employees while on the job, this extends to work offsite. If you provide employees with PPE and distancing measures are in place, find out what is making them uncomfortable visiting customers. Is this the employee's level of comfort or are they refusing what they feel or could be unsafe work? If they're refusing unsafe work, there are requirements to follow unsafe work refusal procedures outlined in your jurisdiction's occupational health and safety legislation.

If they are going to another place of business, make sure any partners, vendors, suppliers, or clients they work with have implemented the same safety and screening standards as you would for anyone entering their business. If an employee will meet people in a private location or clients in a household (for example, sales, where you would visit the home, or services, such as an appliance maintenance or delivery), have a policy in place for specifically for clients about offsite or home visits. You can include requests like asking them wear masks when your employee visits them on location or recommend they sanitize any surfaces being worked on before the employee visits.

Question

What resources can HRdownloads offer to help me with COVID-19 in the workplace?

Answer

HRdownloads has a dedicated Coronavirus (COVID-19) Resource Centre providing clear answers to frequently asked questions. We regularly update our Compliance Centre with news about governments' changing responses to the crisis. We also have an extensive offering of templates, including letters and policies, specific to COVID-19-related business needs available, and kept updated and compliant as legislative changes occur. We've listed some of these resources below, organized by topic.

Return to Work

- Roadmap to Resuming Operation Bundle (COVID-19 Pandemic)
- Resuming Operations Checklist (COVID-19 Pandemic)
- Planning Checklist (COVID-19 Pandemic)
- Return to Work Letter (COVID-19 Recall)
- COVID-19 Readiness to Return to Work Survey

Fear of Exposure and Work Refusals

- COVID-19 Workplace Risk Assessment
- Work Refusal Form
- Right to Refuse Unsafe Work Policy (Jurisdiction Specific)
- The Right to Refuse Unsafe Work Training

Duty to Accommodate

- Accommodation Policy (Jurisdiction Specific)
- Reasonable Accommodation Checklist
- Employee Accommodation Letter
- Request for Medical Documentation Letter
- Non-Occupational Injury or Illness Form (Functional Abilities)
- Functional Abilities Request Letter (Return to Work)
- Request for Update for Employee on Medical Leave Letter

Remote Work

- Working from Home Policy
- Remote Access Policy
- Home Internet Expense Reimbursement Policy
- Remote Employee Check-In Survey (Template)
- Pulse Check: Remote Work Check-In Survey

Sick or Symptomatic Employees or Exposure to Someone Who Is Ill

- Preventing COVID-19 in the Workplace Policy

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- Medical Clearance Form (COVID-19 Pandemic)

Time Off for Isolation and Illness

- Sick Days Policy – Generic
- Sick Leave Policy – Ontario
- Advance Vacation Day Use Agreement
- Protected Leaves Policy (Jurisdiction Specific)
- Leave Related to COVID-19 Policy – Federal
- COVID-19 Leave Policy – Alberta
- COVID-19-Related Leave Policy - British Columbia
- Public Health Emergency Leave Policy – Manitoba (COVID-19)
- Leave Related to COVID-19 Policy – Yukon
- Changes to the Employment Standards Act – Infectious Disease Emergency Leave Memo – Ontario

What if an Employee Tests Positive?

- Responding to COVID-19 in the Workplace Policy
- Confirmed Case of COVID-19 in the Workplace Memo
- Notification to Client of Possible COVID-19 Exposure
- Temporary Closure for Cleaning Policy (COVID-19 Pandemic)

Privacy

- Privacy Policy (Jurisdiction Specific)
- PIPEDA Compliance Policy
- Health Information Protection Act (PHIPA) Policy – Ontario
- Health Information Act (HIA) Policy – Alberta
- Personal Health Information Act (PHIA) Policy - Nova Scotia
- PHIPA - Personal Health Information Privacy Training (Ontario)
- PIPEDA Training

Screening and Contact Tracing

- COVID-19 Temperature Screening Policy
- COVID-19 Pre-screening Health Declaration Form (Visitor)

Workplace Health and Safety

- COVID-19 Workplace Risk Assessment
- Face Mask Policy
- Personal Protective Equipment (PPE) in the Office Policy (COVID-19)
- COVID-19 Employee Health and Safety Training

Refusal to Follow Health and Safety Protocols

- Progressive Discipline Bundle

- Managing Hostile or Violent Customers Policy
- Defusing Hostile Customers Training (Animated)

Employee Mental Health and Wellness

- Workplace Mental Health Policy
- Workplace Mental Health Assistance Policy
- Employee Assistance Program (EAP) Policy
- Supporting Mental Health During COVID-19 Checklist
- Health and Wellness Policy
- Mental Health in the Workplace Training for Leaders
- Mental Health in the Workplace Training for Employees

Layoffs and Terminations

- Temporary Layoff Letter (Jurisdiction Specific)
- Termination Guide (Jurisdiction Specific)
- Termination Letter (Not for Cause) (Jurisdiction Specific)
- Termination Letter - Economic Conditions
- Termination of Employment Elimination of Position
- Termination Letter with Working Notice and Gratuitous Payment (Layoff) and Full Final Release
- Terminations - Not for Cause Training
- Handling Difficult Employee Conversations Training

Question

Can you require employees to download and use the government's COVID-19 contact tracing app?

Answer

Employers cannot require employees to download or use the contact tracing application on their personal devices. However, you can install it on company-owned cellphones, tablets, or other devices. In the case of contact tracing, employers would be responsible for contact tracing in their own work environment, which includes keeping track of each visitor who has entered the place of business or workplace for that day. The government contact tracing application does not do this. In your own organization, you can keep a log, have an application built, use software, spreadsheets, or have a written document to track each visitor and worker. You can recommend employees use the contact tracing application, but you cannot require them to download or use it.

Question

What is the difference between probable and actual COVID-19 exposure?

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Answer

Probable exposure to COVID-19 means that a person has symptoms related to COVID-19, and either:

- Has travelled out of Canada or an affected area within Canada within the last 14 days;
- Has been in close contact with a confirmed case of COVID-19; or
- Lives or works in a facility experiencing an outbreak (such as a long-term care home, or a manufacturing or production plant).

In cases of probable exposure, the person experiencing symptoms has either not been tested or has received inconclusive test results.

Actual exposure means the person has tested positive or was in contact with who has tested positive with a confirmed case of COVID-19 or COVID-19 antibodies.

Question

Can I require staff who were previously working from home to return to the office?

Answer

If your workplace is permitted to be open under your jurisdiction and local guidelines for the current stage of re-opening, then yes. However, if your workplace can work remotely, you should allow employees to continue to work from home to reduce the spread of COVID-19.

Employers returning staff to the workplace must ensure that they can create a safe workspace before employees return. Conduct a risk assessment to determine any hazards that will or could potentially expose employees to COVID-19 and put in any necessary control measures before anyone is to return to work. This may include rearranging the workspace to allow for proper distancing, installing partitions, posting signs around the workplace reminding employees about handwashing or occupancy restrictions, disinfecting the workplace, and providing necessary PPE.

Question

What are some ways to keep our employees happy, engaged, and feeling connected, even though they are working from home?

Answer

Since people working remotely are lacking the regular interactions they used to have with co-workers and management, it can be easy for them to feel disconnected.

Make sure you connect with employees regularly. Meetings should be conducted individually and as a team or department. Schedule weekly one-on-one phone calls or virtual meetings to check in on the employee and see how they are feeling that week. Find out whether there is anything causing them concern. Their concerns could be work-related, such as workload or productivity in their current workspace, or personal. These meetings will help you understand whether anything might be affecting their engagement and overall well-being, and they show the

employee your support. Meeting as a group lets employees to interact and catch up with their co-workers.

You can also send out surveys, or have an open-door (or inbox) policy, to gather feedback from employees about their remote work experience.

Question

Are my employees eligible to claim expenses for working remotely during the start of the pandemic?

Answer

Depending how long your employee has been working remotely, they may be eligible for a tax deduction. Employees who have spent more than 50 percent of their time working at home may be able to claim work-related expenses based on the “work space in the home” deduction. Recommend to employees that they save all receipts for any work-related expenses or purchases since they have begun working from home. You will need to also provide employees with a completed T2220 Declaration of Conditions of Employment form, available through the Canada Revenue Agency (CRA). Per the CRA, this form must be filled in by the employer for employees to be eligible to claim expenses. Employees should then be directed to fill in a T777 form, available through the CRA, to determine allowable expenses. That said, we cannot provide advice on accounting or taxation; employees should consult an accounting professional or tax lawyer before claiming deductions.

Question

What COVID-19-related leave options are available?

Answer

Many jurisdictions have updated or added new job protections for employees who need to take time off for circumstances related to COVID-19:

- The federal government now offers unpaid leave for COVID-19 for either up to two weeks or 26 weeks, depending on the situation.
- Ontario has activated the emergency leave for declared emergencies and infectious disease emergencies, which provides job protections for employees who cannot perform their job duties either for reasons related to a declared emergency or for reasons related to a designated infectious disease.
- Alberta’s COVID-19 leave provides 14 days of unpaid leave for employees to self-isolate, and also includes an extension of the leave if deemed necessary due to the changing circumstances of the pandemic. The leave also allows time for family responsibilities.
- British Columbia has COVID-19 leave for employees to take unpaid job protected leave if employees cannot work for a number of reasons related to COVID-19.
- Manitoba offers public health emergency leave to provide temporary job-protected leave for employees who cannot work due to circumstances related to COVID-19.



- Saskatchewan's public health emergency leave provides employees with time off to take measures to prevent or reduce the spread of diseases.
- Newfoundland and Labrador created communicable disease emergency leave for employees who cannot perform their job duties and require time off for reasons related to a designated communicable disease.
- New Brunswick's emergency leave provides job-protected leave if an employee must take a leave of absence for reasons relating to a declared state of emergency or circumstances relating to a notifiable disease, event, or any other threat to public health.
- Yukon employees are entitled to up to 14 days of unpaid leave related to COVID-19 to protect their health during a declared state of emergency. Additionally, employees may be eligible for additional paid time off for sick leave or a 14-day self-isolation period through the government's paid sick leave rebate program.

Because the scope of COVID-19 is constantly changing, always check and familiarize yourself with your jurisdiction's specific legislation related to public health emergencies and COVID-19 to get the most current and up-to-date information.