

# COVID 19- Return To Work Human Resources Considerations and Steps



Welcome !

We will start shortly

Please grab your coffee/tea/water & get settled

Test your Audio

Please use the chat box to submit questions

This session is being recorded

Grab Paper and pen to record your thoughts

# What we will do today

- Overview of what we know
- Pre-opening – Some Key Considerations
- Best Practice - with examples
- Ongoing - PDCA
- Questions received
- Questions & Answers



# Keep your objectives clear to guide your business decisions

Compliant

Transparent

Systemic/  
Structured

Gradual  
and  
Steady



# What we know as of now

Ontario stages for reopening – Moving to stage 2 as early as Friday 12<sup>th</sup> of June

Employers have a duty to provide a safe and healthy workplace – that is law

COVID-19 is considered a workplace Hazard

Extension of CEWS to August 29

Introduction of Legislation – Infectious Disease Emergency Leave for temp Layoff

Duty to Accommodate still stands

Privacy Protection is a key consideration



# Pre-opening –Some Key Considerations

The easing of restrictions means you CAN open ONLY if ready !



## Policy

Your Health and Safety Policy – New/Revised

Attendance and remote work

Your compliance to Sector regulations

Are you creating new work policies in regards to uniforms, shift trading for example ?

What documentation for recall do you need

Sick leaves policy

Self Identification policy and sign off  
Privacy of information you receive



## Process & Procedures

How will you communicate (email, virtual meetings, Notice boards? )

How will your work space accommodate social distancing (count, log, tracing)

How your operational procedures Change - (Stop, Start, Continue)

How can employees voice concerns re health and safety and to who

How will you educate customers and manage expectations

PPE replenishment and use



## People

Who and how will you recall & train  
Behavioral Change management – reminders and monitoring protocol

Managing stress on one extreme and those quick to relax on the other extreme

Engagement and Morale post return

Continuous communication /trust



# Policy Best Practices

- Documented
- Easy to understand by anyone, clear, dated, shared
- Has to be applicable ( Does not contradict other policies/procedures)
- Has to drive the behavior you want (not fear based but logical)
- Consistently applied with room for updates and amendments
- Signed off



# Process/Procedures Best Practices

- Documented
- Engage your Pre-opening team in the development and review
- Visual & easy to follow (step by step, with prompts and reminders) – Has to be very CLEAR
- Ensure closed loop : i.e. a feedback mechanism and that feedback is taken seriously , you will not get feedback if there is no trust on action
- Dated, revised often , durable to post in visible locations
- Do not ASSUME , train and team sign off



# People Best Practices

- Give enough time to recall and be clear on expectations (when to return to work, what to expect, what has been done to ensure safety...)
- Document recall, refusal, changes to contract/hours/schedule, be transparent
- People are creatures of habit, help them build new work habits for safety through training , policy, procedures
- MUST investigate if they do not feel safe
- People are reacting to this differently, assume nothing and treat all with compassion and equity.



Create a Pre-Opening Team  
(Assess risk, Document process, Help Train, Make suggestions on process)

Review :

- Physical Space
- H&S Policy
- Business New norm
- Recall Plans
- PPE Suppliers



PLAN

ACT



Act quick and swift  
Continue to  
Follow the PDCA  
Create a Plan B  
Consider Creating a second line  
of command

Recall & Retrain  
Sign off on training  
Communicate often & Clearly  
Engage Customers and

Employees

Assess decisions based on  
principles: Is it safe, is it  
compliant, is transparent,  
can it be applied



DO

CHECK



What is working  
& what needs review  
Check in with Team,  
Customers  
Inventory of PPE  
Adherence to H&S  
Daily Process in the start

Remember to Sharpen your saw ! Recharge, Regroup, Rest  
Forecast that coming to a new normal could be 12-18 months journey



# FAQ received –

\* Consultative only and not specific situations- Please apply after specific consultation to your workplace and in context of your reality and employees

## When can I start recalling employees ?

The Premier allowed certain regions and businesses to return to work , given specific readiness actions are met.

If you meet the readiness criteria, have done the due diligence at least below you can chose to recall :

- Safety Procedures in Place
- Policies updated, Procedures documented and Training plan ready
- PPE in Place
- Plan for recall in Place
- Communication Plan in Place



How should recalls be done? (sequence, notice, process)

- Assess your new work plans /capacity to reopen and what key roles you need to start
- Decide if you will do a full recall or a staggered return depending on roles you need to start
- Define your recall criteria and notice : when work will start, what safety procedures are in place, what is the recall date, time and hours, what options in writing does the person have and if they will decline in writing .
- Give as much notice as you can for your team to prepare themselves and arrange to return to work
- Specify your expected response time (48 hours is acceptable)
- If you are unionized your recall may have to be based on seniority



## What if an employee refuses to return to work?

- Reason for refusal has to be discussed and documented
- If it is due to safety , they should return, assess the safety measures put in place first.
- If they return and still do not feel safe given the measures the employer has put in place, the employer **MUST** investigate concern and adjust measures.
- If they still refuse , Ministry of Labour may be called to investigate and decide and the decision is binding
- If the employee still refuses work , they may be abandoning their role.
- If they refuse due to grounds requiring accommodation under OHR, then you need to do accommodation plans



## Do I have to recall everyone ?

- No, you have to justify and have a documented plan as to who and why you are recalling specific .
- If you have no intent to fully return everyone because of new business need (restructure, downsizing) then you have to layoff and pay severance . If you do you need to speak to an employment lawyer. Common Law may require more payout than statutory law.
- Keep communication open, Transparent and documented



How should accommodation around health issues be handled?

Reference : <https://www.hrreporter.com/employment-law/news/a-worker-refuses-to-come-back-to-work-what-do-we-do/329976>

- “If an employee has, for example, a compromised immune system or has a chronic respiratory problem or condition [that could be an issue] because then there may be protection for the employee under the employment standards legislation and the employee can insist on not coming to the job site. The employee can remain out of work away from the job site for as long as COVID-19 circumstances are in play.
- “The employee with the medical condition can hold himself or herself out of work on the basis of human rights law and the argument would be ‘I have a medical condition and I’m seeking reasonable accommodation of that medical condition,’ and if the employer has allowed the employee to work from home for two-and-a-half months, it’s going to be very difficult for the employer to argue it is an undue hardship because, guess what employer, you’ve been doing that for the last couple of months and yes, it may not be ideal, it may cause you some hardship, but it’s not undue hardship.
- “The employer is obligated to accommodate the medical condition up to the point of undue hardship and that is a very high threshold.”



## What if an employee is not following new safety process/policy?

- If you have a documented policy, trained and signed off employees , you may first address the person directly and remind them of the policy .
- This is can be dealt with as a performance issue
- Document violation and consequences and follow a progressive discipline approach.



Is the wage subsidy for all employees – both hourly and salaried?

YES, it does not differentiate salaried or hourly .  
Eligible employees and eligibility for CEWS can be found in full details here

<https://www.canada.ca/en/revenue-agency/services/subsidy/emergency-wage-subsidy.html>



# Resources

- Small Business Enterprise Center – South Georgian Bay HR consulting services – contact Tim Newton
- Employment Standards Act <https://www.ontario.ca/document/your-guide-employment-standards-act-0>
- Health and Safety <https://www.labour.gov.on.ca/english/hs/>
- Ontario Resources to Prevent COVID-19 in the workplace  
<https://www.ontario.ca/page/resources-prevent-covid-19-workplace>
- Ontario Human Rights <http://www.ohrc.on.ca/en>
- Human Resources Professional Association – COVID-19 resources  
<https://www.hrpa.ca/Pages/COVID-19Resources.aspx>
- Price Waterhouse Coopers- Reboot Return to Work  
<https://www.pwc.com/us/en/library/covid-19/assets/pwc-covid-19-reboot-return-to-work.pdf>
- Questions to ask for return to Work  
<https://hicksmorley.com/2020/05/20/ensuring-a-successful-return-to-work-in-a-covid-19-world/>
- Free mental Health Course Package  
[https://www.ccohs.ca/products/courses/mh\\_series/](https://www.ccohs.ca/products/courses/mh_series/)
- Help and resources to starting building Basic HSE Policy  
[http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019\\_essential\\_workplaces\\_guidance.pdf](http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_essential_workplaces_guidance.pdf)

