



COVID-19: Workplace Relaunch Planning

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May 7, 2020






1

COVID-19: Workplace Relaunch Planning

Topics

1. Alberta's relaunch timetable and continuing public health restrictions
2. Protecting your employees and the public from COVID-19
3. Recalling workers from layoff
4. Accommodations, absenteeism and workplace refusals
5. Modifying terms of employment






2

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1. Alberta's Relaunch Timetable

- Alberta Government's "Relaunch Strategy"





3

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1. Alberta's Relaunch Timetable

- Current Situation
 - Foundation to re-opening the economy
 - Requires the following elements be in place for stage 1 of the relaunch:
 - enhanced testing capacity
 - contact tracing to quickly notify people who may have been exposed
 - support for people who test positive to enable effective isolation
 - stronger international border controls and airport screening
 - rules & guidance for use of masks in crowded spaces, like mass transit
 - protections for the most vulnerable, including those in long-term care, continuing care and seniors lodges
 - rapid response plan in the event of COVID-19 outbreaks


4 

4

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1. Alberta's Relaunch Timetable

- Key health statistics to watch
 - Percentage of tests that are positive
 - Hospitalizations
 - ICU occupancy
- This will determine:
 - Timing of each step
 - If a step back is necessary
 - Local adjustments


5 

5

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1. Alberta's Relaunch Timetable

- So far, so good (as of May 6th)
 - 170,509 completed tests completed thus far
 - target of 16,000 tests per day by June
 - contact tracing capacity has been expanded
 - daily positive test rate still low (3.57% for all zones)
 - 5,963 confirmed cases
 - 249 hospitalizations
 - 52 ICU admissions
 - 112 deaths

6 

6

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1. Alberta's Relaunch Timetable

- Early Openings
 - May 1
 - Some access to provincial parks and public lands
 - May 2
 - Golf courses
 - May 4
 - Expanded access to health care
 - Non-urgent surgeries
 - Dental, chiropractic, physiotherapy and other health care provider offices opened
 - Guidelines set by professional colleges

7



7

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1. Alberta's Relaunch Timetable

- Stage 1 (as early as May 14)
 - Some businesses & services to resume (with enhanced infection prevention & controls)
 - Some retail (e.g. clothing, furniture & book stores)
 - Farmers' market vendors
 - Hair salons
 - Cafés, restaurants and bars - public seating at 50% capacity (table service only)
 - Daycares and out-of-school care (with occupancy limits)
 - Museums and art galleries
 - Additional outdoor recreation
 - Summer camps (with occupancy limits)

8



8

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1. Alberta's Relaunch Timetable

- Stage 1 (as early as May 14)
 - Applicable Public Health Restrictions:
 - Gatherings >15 people
 - 2 m physical distancing
 - Use of masks in crowded spaces, such as mass transit
 - Remote working advised where possible
 - Non-essential travel discouraged
 - Isolate symptomatic individuals / quarantine close contacts of confirmed cases
 - Other public health guidance to come?
 - Other non-essential businesses (with close physical contact) to remain closed to public

9




9

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1. Alberta's Relaunch Timetable

- Stage 2 (TBD)
 - Additional businesses & services to resume (with enhanced infection prevention & controls)
 - Personal services (e.g. esthetics, massage)
 - Movie theatres and theatres (with restrictions)
 - Libraries
 - K-12 schools (with restrictions)?


10 

10

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1. Alberta's Relaunch Timetable

- Stage 2 (TBD)
 - Applicable Public Health Restrictions:
 - 2 m physical distancing
 - gatherings >__ (TBD)
 - Isolate / quarantine
 - Use of masks in crowded spaces
 - Non-essential travel discouraged
 - Capacity increases at restaurants and cafés?
 - Less emphasis on working remotely?
 - Other public health guidance to come?
 - Non-essential businesses & events involving large gatherings not permitted


11 

11

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1. Alberta's Relaunch Timetable

- Stage 3 (TBD)
 - Fully reopening all business & services (with limited restrictions)
 - Nightclubs, gyms, pools, recreation centres & arenas
 - Arts and culture festivals, concerts and major sporting events, industry conferences
 - Minimal Public Health Restrictions:
 - 2 m physical distancing
 - gatherings >__ (TBD)
 - Isolate / quarantine
 - Use of masks in public no longer necessary
 - No restrictions on non-essential travel

12 


12

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1. Alberta's Relaunch Timetable

- Review of key public health measures

Public Health Measure	Current	Stage 1	Stage 2	Stage 3
Physical distancing	Maintain 2m distance	Maintain 2m distance	Maintain 2m distance	Maintain 2m distance
Gatherings	Less than 15	Less than 15	Size of permitted gatherings to increase	Size of permitted gatherings to increase
Public Masks	Encouraged	Encouraged	Encouraged	/


13 

13

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2. Protecting Employees & the Public

- COVID-19 policies, procedures and protocols:
 1. Communication
 2. Screening & removal of potential carriers
 3. Prevention
 4. Additional requirements for high risk businesses
- should be developed prior to reopening and committed to writing
 - Source: Government of Alberta
<https://www.alberta.ca/assets/documents/covid-19-workplace-guidance-for-business-owners.pdf>
 - Updated May 3, 2020


14 

14

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2. Protecting Employees & the Public

- Communication
 - Encourage staying up to date on COVID-19 info
 - Facilitate access to social & mental health supports
 - Make employees & customers aware of steps being taken to prevent risk of transmission
 - Reinforce importance of their roles in these measures
 - Post info in areas where it can be referenced easily
 - Address risk mitigation:
 - when at the workplace
 - when commuting, at home, or a secondary job
 - Encourage social responsibility
 - E.g. ABTraceTogether


15 

15

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2. Protecting Employees & the Public

- Screening & removal of potential carriers
 - Communication of expectations:
 - If developing symptoms:
 - Complete self-assessment and get tested
 - Stay away from work and self-isolate (10+ days)
 - If close contact of confirmed case (or returning from international travel):
 - Quarantine (14 days) and watch for symptoms
 - Confirm sick leave policies and statutory protections
 - Try to remove disincentive for employees to comply with public health directives


16 

16

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2. Protecting Employees & the Public

- Screening & removal of potential carriers
 - Maintain up-to-date contact lists and records re:
 - Roles and positions
 - Who is onsite each day
 - Who employees have worked with each day
 - Patrons who have interacted with employees without physical distance or barriers (e.g. personal services)
 - Daily screening:
 - Staff, volunteers & patrons
 - For cold-like symptoms or contact with carriers
 - On-site temperature screening?

17 

17

1.	Do you have any of the below symptoms:		
	• Fever (greater than 38.0C)	Y	N
	• Cough	Y	N
	• Shortness of Breath / difficulty breathing	Y	N
	• Sore throat	Y	N
	• Runny nose	Y	N
2.	Have you, or anyone in your household travelled outside of Canada in the last 14 days?	Y	N
3.	Have you, or anyone in your household been in contact in the last 14 days with someone who is being investigated or confirmed to be a case of COVID-19?	Y	N
4.	Are you currently being investigated as a suspected case of COVID-19?	Y	N
5.	Have you tested positive for COVID-19 within the last 10 days?	Y	N


18 

18

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2. Protecting Employees & the Public

- Screening & removal of potential carriers
 - Deny symptomatic individuals entry
 - Direct those exhibiting symptoms to leave
 - Clean and disinfect all surfaces & areas with which they may have come into contact
 - Make arrangements, if necessary, to get employee home (avoid public transportation, etc.)
 - Direct employee to self-assessment & testing
 - Record names of all close contacts within last 48 hrs
 - If positive case is confirmed:
 - Cooperate with AHS re next steps and guidance to potentially exposed individuals


19 

19

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2. Protecting Employees & the Public

- Prevention
 - Prioritize and assess work
 - Where can it safely and productively be performed?
 - Conduct Hazard Assessments
 - Identify existing and potential COVID-19 hazards
 - Identify conditions or tasks that increase risk of exposure
 - Develop controls to eliminate or minimize risk and comply with public health directives:
 - Engineering Controls
 - Installing barriers, restricting access
 - Administrative Controls
 - Physical distance and hygiene protocols
 - PPE
 - Gloves, eye protection, masks
 - Involve workers in process


20 

20

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2. Protecting Employees & the Public

- Prevention
 - Hygiene, cleaning & disinfecting practices
 - Promote & facilitate:
 - frequent & proper hand hygiene
 - respiratory etiquette
 - Post reminder for employees & customers
 - Implement enhanced cleaning & disinfecting:
 - high traffic areas
 - high-touch/shared surfaces


21 

21

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2. Protecting Employees & the Public

- Prevention
 - Physical distancing measures
 - Employee and customer number restrictions
 - Limiting people in shared spaces
 - Moving workstations
 - Installing barriers (cubicle, partition, window, etc.)
 - Staggering breaks
 - Eliminating or restructuring non-essential meetings
 - Placement of reference markers to maintain 2 m separation
 - Etc.


22 

22

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2. Protecting Employees & the Public

- Prevention
 - PPE
 - Determine what is necessary
 - Ensure proper fit
 - Discarded appropriately
 - Only reuse in accordance with manufacturer recommendations and cleaning/disinfecting measures


23 

23

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2. Protecting Employees & the Public

- Additional Considerations
 - Privacy
 - Collect, use, and disclose personal information
 - Limit what is collected and shared
 - Obtain consent or ensure exception applies
 - Human Rights
 - Arguments that refusing to allow an employee to work/ customer to enter based on real or perceived concerns over a physical disability (e.g. COVID) is discriminatory
 - Section 12 of the *Alberta Human Rights Act* provides a defence
 - Public health orders (self-isolation, etc.) govern


24 

24

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3. Recalling Workers from Layoff

- Section 64 of the *Employment Standards Code* states that a recall notice must:
 - be in writing
 - be served on the employee, and
 - state that they must return to work within 7 days of being served
- You can serve in person, by mail, by leaving it at the employee's home, or by email.


25 

25

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3. Recalling Workers from Layoff

- If proper notice not given, employer has very limited means of enforcement
- If proper notice given, can be enforced through discipline or termination
 - Employee has no entitlement to statutory notice/pay if terminated for failure to return
- Caveats:
 - Collective agreements
 - Common law claims
 - Duty to accommodate


26 

26

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3. Recalling Workers from Layoff

- Other Considerations
 - Recall may not be appropriate for all employees
 - Following up on notices
 - Providing information to quell safety concerns
 - Plan to accommodate illness, isolation/quarantine, and family obligations
 - Recruitment may prove necessary


27 

27

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4. Accommodations, Absenteeism & Workplace Refusals

- Accommodations
 - *Employment Standards Code* unpaid leaves
 - COVID-19:
 - If required to isolate/quarantine
 - If necessary to care for:
 - a family member under isolation/quarantine; or
 - a child due to school or daycare closure
 - Injury/Illness
 - Personal leave
 - Human Rights Protections
 - Based on disability, family status, etc.
 - Family status includes childcare obligations


28 

28

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4. Accommodations, Absenteeism & Workplace Refusals

- Accommodations
 - Need to be practical
 - Limited documentation can be requested to verify COVID-19 leaves
 - Medical notes are not necessary
 - When family obligations are engaged, it requires a case-by-case assessment:
 - Are they caring for a possible COVID-19 carrier?
 - If not, have all reasonable child/elder care alternatives been explored?
 - Can solutions short of a leave of absence be offered?
 - modified shift schedules
 - working from home


29 

29

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4. Accommodations, Absenteeism & Workplace Refusals

- Absenteeism
 - Make contingency plans to address increase in absences with or without notice
 - Be vigilant with screening and contact tracing to minimize domino effect
 - Document absences
 - Follow-up with employees
 - Recruit if/as needed


30 

30

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4. Accommodations, Absenteeism & Workplace Refusals

- Work Refusals
 - Expect increase in workplace refusals from employees
 - Employee rights under OHS Act:
 - To be informed of workplace hazards
 - To participate in safety matters and express concerns
 - To refuse dangerous work
 - To be free from discrimination for exercising rights
 - Effective communication key to prevention and early resolution


31 

31

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4. Accommodations, Absenteeism & Workplace Refusals

- Work Refusals
 - Dangerous Work is not well-defined
 - Right to refuse triggered by reasonable belief of dangerous condition or the work constitutes danger to health and safety
 - Context matters
 - Objective test based on reasonable employee:
 - Unacceptable degree of hazard?
 - Has risk been reasonably addressed by employer?
 - Is it a normal condition of work?


32 

32

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4. Accommodations, Absenteeism & Workplace Refusals

- Work Refusals
 - Employers must investigate and try to resolve work refusals
 - Worker and safety rep entitled to participate
 - Employee cannot be disciplined or placed on unpaid leave
 - Can be assigned to alternative duties
 - Notice must be given to other employees assigned to work
 - Employer must prepare written report
 - If unable to agree, complaint can be made to OHS
 - Investigation by OHS investigator


33 

33

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5. Modifying Terms of Employment

- Large, Fundamental Changes
 - Can trigger constructive dismissal claims if:
 - Substantial change to fundamental term
 - Made unilaterally
 - Without reasonable advance notice
 - Typical flashpoints:
 - Salary/wage reductions
 - Reductions in regular hours of work
 - Significant changes to benefit plans
 - Dramatic changes to duties/responsibilities
 - Requires a contextual analysis


34 

34

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5. Modifying Terms of Employment

- Small Changes
 - Minor changes or changes to peripheral terms can be made unilaterally by employers without difficulty
 - This provides some flexibility to adapt to the new reality when relaunching operations
- Added flexibility through amendments to ESC
 - Greater flexibility to change work schedules and hours of work averaging agreements
 - written notice now only required "as soon is practicable in the circumstances"
 - Employers may apply for other variances


35 

35

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5. Modifying Terms of Employment

- Strategies to avoid constructive dismissal
 - Effective communication
 - Seeking express agreement or acceptance
 - Providing advance notice
 - Relying on acquiescence
 - Implementing incremental changes

36 

36

Thank you!



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37