



Employment Issues related to Covid-19

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Employer Considerations:

A. Health and Safety Considerations (*Occupational Health and Safety Act*)

- Legislation requires employers to ensure a safe workplace: uphold public health guidance and be proactive in investigating work refusals
- Permit staff to work remotely where possible.

B. Human Rights Considerations (*Human Rights Code*)

- The Code prohibits discrimination on the basis of certain protected grounds, including discrimination on the basis of race, ethnic origin, citizenship, or disability (i.e. sickness)
- Ensure that workplace is free from discrimination related to the current pandemic, including stereotyping

C. Remote Work Considerations

- Employers should implement measures to protect privacy and ensure staff responsibility for WFH arrangements

D. Temporary and Permanent Lay-Offs

- *Temporary Lay-offs are not an automatic right for employers.* Unless they are provided for in the employment agreement, employers should obtain consent of employees; this also applies to any reduction of hours, pay, or any other substantial change to the terms of employment.
- Where a permanent lay-off—or termination—is without cause, employers must give reasonable notice to the employee. It is best to seek legal advice to determine how much notice is required.

E. Alternatives to Lay-Offs

i) Supplementary Unemployment Benefit (SUB) Plan

- ✓ Agreement amongst employer, employee/union, and Service Canada
- ✓ Allows employee to receive EI during periods of work stoppage, illness or injury for up to 35 weeks while employers top employee up to 95% of salary
- ✓ Ensures continuity of staff following periods of economic hardship
- ✓ Waiting time substantially reduced

ii) Federal Work-sharing Program

- ✓ Accessible to employers who have been operational for at least one year
- ✓ Allows employers and a group of employees to agree upon a reduction of 10%-60% of employee hours, with EI being paid to employees for time spent not working
- ✓ Plan must be approved by Service Canada and employees must qualify for EI
- ✓ Can run from 6 weeks-76 weeks; waiting time reduced from 30 days to 10 days

F. Wage Subsidies

- i) *10% Temporary Wage Subsidy:* No need to demonstrate loss of revenue. No formal application. Max. of \$25,000.00 per employer. Runs from March 18-June 19, 2020.
- ii) *75% Canadian Emergency Wage Subsidy:* must show decline in revenues of at least 15% in March, 30% in April/May. Max of \$847 per week per employee (represents 75% of wages up to \$58,700.00) with no maximum per employer. Subsidy is retroactive to March 15, 2020. Runs until June 6, 2020.