

IMPACT OF COVID-19 IN THE WORKPLACE

On March 11, 2020, the World Health Organization (WHO) declared the outbreak of the new coronavirus disease, COVID-19, to be a pandemic. Government Officials and Epidemiologists are encouraging the public to take preventative measures to reduce the spread of the virus.

Social distancing measures are being recommended as an effective way to minimize COVID-19 transmission in a community. This means minimizing close contact with others during the peak of an outbreak. In addition to recommending employees stay home when ill, employers should take this time to evaluate their work from home policies, sick day and sick leave policies, communicable illness policies and pandemic plans.

The WHO recommendations for preparing your workplace for COVID-19 can be found here: <https://www.who.int/docs/default-source/coronaviruse/getting-workplace-ready-for-covid-19.pdf>

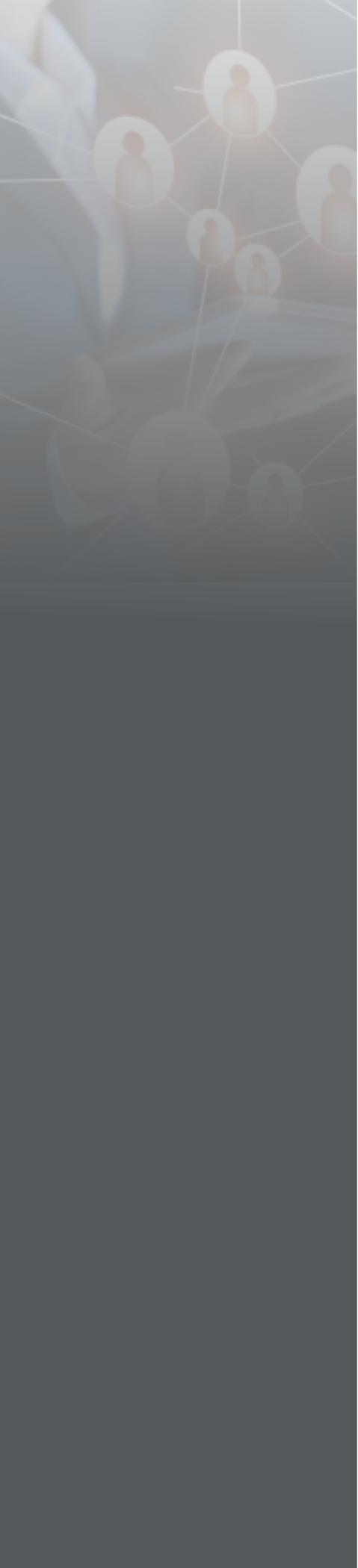
Employers who are taking steps to prepare for and address COVID-19 should remain mindful of their legal obligations under applicable employment, privacy and human rights legislation, at both the federal and provincial levels.

Pursuant to The Saskatchewan Employment Act, employers have a duty to ensure, as far as is reasonably practicable, the health, safety and welfare of all of their employees while they are at work. This includes an obligation on the employer to consult with employees in the workplace for the purpose of resolving concerns on matters of health, safety and welfare at work. The preventative steps an employer will be reasonably expected to take with respect to COVID-19 will vary depending on the workplace in question. One preventative measure that employees can take is to encourage employees to work from home.

If the nature of your workplace is such that a “work from home” policy is not feasible, employers may need to consider how to respond if an employee does not want to come in to work. Employees do have the right, pursuant to The Saskatchewan Employment Act, to refuse to work if they have reasonable grounds to believe that there is an unusual danger to their health or safety at the workplace. If an employee refuses to come to work due to fear of contracting the coronavirus, employers should first consult with the employee and investigate whether any actions can be taken to eliminate the danger. Once the employer

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has taken all reasonable actions to reduce or eliminate danger, the next step should be to contact a lawyer to obtain legal advice with respect to employer's remedies where an employee refuses to work.

When instituting any new policies or preventative measure in response to COVID-19, employers must also be cognizant of the effect the policies might have on employees' human rights. Employers will need to carefully consider whether any steps taken are discriminatory against any employees on the basis of a protected ground under The Saskatchewan Human Rights Code or the Canadian Human Rights Act.

In the event that an employee develops symptoms, is diagnosed with COVID-19, or is for any other reason required to self-isolate or quarantine, The Saskatchewan Employment Act entitles the employee to 12 days of unpaid leave for non-serious illness, or up to 12 weeks of unpaid leave in the event of a serious illness.

Employees who are required to take sick leave as a result of COVID-19 can apply for Employment Insurance (EI) sickness benefits through Service Canada. Service Canada has instituted the following policies to support Canadians affected by COVID-19 and placed in quarantine:

- The one-week waiting period for EI sickness benefits will be waived for new claimants who are quarantined so they can be paid for the first week of their claim
- There is a priority EI application processing for EI sickness claims for claimants under quarantine
- People claiming EI sickness benefits due to quarantine will not have to provide a medical certificate
- People who cannot complete their claim for EI sickness benefits due to quarantine may apply later and have their EI claim backdated to cover the period of delay

In the event you have any questions with respect to steps you may take to mitigate the impact of COVID-19 in your workplace, feel free to contact WMCZ Lawyers.

For further information please contact:

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