

The onsite workforce and forced COVID-19 workplace closures. 80% of our province relies on small and medium sized businesses (SMB's) for employment. A large portion of these businesses operate where they are dependent on their workforce physically coming into work. (Restaurants, light manufacturing, warehousing, construction, retail and many many more.)

Some short term suggestions:

Create small working units to minimize their number of overall contacts. For example: A factory may keep a group of people on the same shift for the duration of the pandemic wave. Clean the facilities as deeply as possible at the start and finish of each shift. Ask Employees to incorporate the "wipe down" into their work schedule.

Investigate having a period of time between shifts to allow time to clean all surfaces in the workplace before the next group of people enter the building (e.g., time to wipe tables, door knobs, shared telephones, etc.)

Cross-training personnel to function in key positions.

Escalation planning

What happens IF the COVID-19 outbreak escalates and businesses are required to close?

There is no precedent for this at such a scale. We have based this understanding on the SARs experience where health care professionals were hardest hit. As such, our best advice is to adhere to BC Employment Standards.

If the COVID-19 crisis escalates, businesses could be required to close due to an emergency situation. The following options would be in place:

Employee Vacation time:

In order for an employee to continue to be paid, the employee would have the option to either use accrued paid vacation time or be paid out from their vacation or time in lieu time bank (accrued pay).

Once an employee's vacation time, time in lieu or pay has been fully paid out there are a couple of other options.

Continue to fund payroll:

A company that can afford to continue to fund their payroll while their business is closed, can ask employees to refrain from coming into work and continue to receive their usual pay cheque.

All benefits would continue and they will continue to accrue vacation.

Temporary Lay Off:

In the situation where the company CAN NOT continue to fund payroll, the company can, under very specific circumstances, issue a short term, temporary layoff notice under BC

Employment Standards. Those are:

It is expressly set out in an employment contract.

It is an industry in which temporary layoffs are a common industry-wide practice. For example, in logging, work cannot be performed during the “break-up” season.

The employees agree in writing to the temporary layoff.

It's important to note:

If the business does not fall into one of the first two categories, agreement in writing must be obtained from the employees.

The maximum length of a temporary layoff is 13 weeks in any 20 week period.

If a business doesn't obtain agreement in writing, or exceeds the 13 week time limit, it becomes a permanent layoff and severance is payable.

There are many advantages to a temporary layoff. The employees can apply for EI on a temporary basis and still have a job to go back to. The business does not have the costs of payroll when there is no incoming revenue. It also retains its workforce to recall and ramp up quickly once it re-opens.

During the layoff period, the company can either continue to pay for the employees benefits OR they can ask the employee's if they would like to continue their benefits. Alternatively the employee can pay for them directly. Otherwise, benefits can be suspended for the period of the layoff. Employees do not continue to accrue vacation for this period.

For information on how to handle the COVID-19 situation, support planning for a short term layoff or support with your HR needs during this outbreak please contact us:

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