

The Future of Work Series. Part 1: The Return to the Office. Accommodating employees returning to the office who'd rather not return to work

As organizations look to the future in a post-pandemic world, we ask what the future of work will look like and what will happen as we begin to return to the office.

Some employers are beginning to plan their safe return to work and invite employees back to the office. There may be some employees who, for various reasons, don't want to return.

Three employee groups will require more consideration and possible accommodation when your organization is ready to invite employees to return.

Employees concerned about workplace safety

The most anticipated reason employees might not want to return to the physical workspace is due to concerns for their safety. The first step in addressing this is determining where exactly the concern lies. Is it because they take public transit to and from work? Do they understand the safety procedures that have been implemented? Do they have an anxiety disorder, and returning to work is a trigger point for them?

Before inviting employees to return, make sure you have designed, communicated and trained employees on your COVID-19 safety plan. Have an open conversation with anyone who still expresses concerns to determine the best course of action.

Possible accommodation measures

Implement a working from home arrangement

Adjust their working hours to avoid peak transit times

Alternate work schedules to reduce the number of people in the workplace at one time

If their concern is related to mental health, further accommodation will be required, such as job redesign or an alternate role.

WorkSafeBC states that employees do have the [right to refuse unsafe work](#). However, if it's a safe workplace, the bottom line is then the employee *does* have to return. If they choose not to, you would be within your rights to consider a form of misconduct or a resignation. But be careful here. This is a brave new world that hasn't yet been tested in the courts. Letting an employee go because they do not want to return to work, could potentially result in litigation and mediation.

Vulnerable populations

Immunocompromised individuals have an increased risk of experiencing more severe symptoms if infected with COVID-19. It is important to take steps to prevent these populations from becoming infected with COVID-19.

Some employees may have a compromised immune system or live with and/or care for someone who has a compromised immune system. To support vulnerable employees,

consider implementing a self-disclosure policy where employees can disclose that they are at higher risk without disclosing any personal details or sensitive medical information.

Possible accommodation measures

Implement a working from home arrangement

If working from home is not possible, all employees and visitors must wear non-medical masks or face coverings and work with the employee to limit their work to a single location within the office.

If working from home is not possible and onsite mitigation measures do not provide the necessary support, an employee may be eligible for job-protected unpaid leave.

Employees requiring support for childcare or carers responsibilities

In some circumstances, an employee may need to care for a person due to COVID-19 for reasons such as school closure or illness. There are considerations to be taken when an employee makes an accommodation request related to childcare or carers responsibilities.

Possible accommodation measures

Implement a working from home arrangement.

If working from home is not possible, is the employee eligible for paid leave under their existing contract or company policies?

They may be entitled to unpaid job-protected leave per employment standards.

