



LAY-OFFS

BENEFITS are PROTECTED

When an employee has < 50% of NORMAL HOURS

Normally LAY-OFFS are **NOT PERMITTED** EXCEPT:
• Employee consent
• Seasonal JOBS
• Included in contract
• It's a DIFFERENT WORLD for EMPLOYEES with so many people LAID OFF...
• PRE-COVID was an EMPLOYEE MARKET

NEW NORMAL LAYOFFS are ALLOWABLE... due to frustration [circumstances beyond employer control] for UP TO 13/20 WEEKS

APRIL MARCH

Legal Considerations

The RULES are changing... FLEXIBILITY is ESSENTIAL!!

DISCIPLINE

EMPLOYEES CAN'T BE DISMISSED IF:
• DIAGNOSED with COVID-19
• IN QUARANTINE/SELF-ISOLATION
• EMPLOYER DIRECTION DUE TO RISK of EXPOSURE to OTHERS
• CARING for DEPENDANTS
• ABROAD UNABLE to RETURN

IF POOR PERFORMANCE IS DUE to PANDEMIC STRESS... **be careful!**
BE HUMANE - if PEOPLE are FEARFUL of WORKING, GIVE THEM LEAVE
INGRATITUDE - be SUPPORTIVE but CLEAR ABOUT YOUR expectations

Return to work will be a different story if employers don't ensure all appropriate accommodations

There's a need to balance RULES with REALITY (as supported by)

NOW IT'S SLIPPED... EMPLOYEES UNSURE ABOUT FUTURE?

Government Assistance

FOR EMPLOYEES	FOR EMPLOYERS
• CANADA EMERGENCY RESPONSE BENEFIT (CERB)	• EXTENDING WORK-SHARING PROGRAM
• BC EMERGENCY BENEFIT	• CANADA EMERGENCY WAGE SUBSIDY (CEWS)
• ENHANCED EI LEAVE BENEFITS	• TEMPORARY 10% WAGE SUBSIDY
• ENHANCED CANADA CHILD BENEFIT	• EMPLOYMENT INSURANCE SUB PLAN
• BC HOMEOWNERS - NO EVICTIONS - \$500 TO LANDLORDS	• CANADA SUMMER JOBS PROGRAM
• TAX FILING RELIEF	• BCNPHA JOB MATCH
• ICBC / BC HYDRO DEFERRALS	• BILL PAYMENT FORGIVENESS
• FREE BC TRANSIT/ TRANS LINK	• TAX DEFERRALS
• STUDENT LOAN REPAYMENT MORATORIUM	• EVICTIONS SUSPENSION
	• INDIGENOUS COMMUNITY SUPPORT FUND
	• REACHING HOME INITIATIVE
	• SUPPORT FOR WOMEN'S SHELTERS & SEXUAL ASSAULT CENTRES

DISMISSALS

"FOR CAUSE" RARE... COURT OFTEN FINDS IN FAVOUR of EMPLOYEE - even with STEALING

"NO CAUSE" REQUIRES SEVERANCE and NOTICE
• ESA DEFINES MINIMUM SEVERANCE/ NOTICE
• COMMON LAW WHERE BIG AWARDS happen (up to 2 YEARS pay)
• EMPLOYEE MUST SHOW they are LOOKING for WORK in MEANINGFUL DISMISSAL CASES

WRONGFUL DISMISSAL
TO PREVENT: INCLUDE THIS WORDING in CONTRACT

EMPLOYMENT CONTRACT
... UPON DISMISSAL WITHOUT CAUSE - SEVERANCE PAYABLE IS LIMITED TO WHAT IS IN the EMPLOYMENT STANDARDS ACT (ESA)...

BE TRANSPARENT
TREAT PEOPLE like HUMAN BEINGS!
BE respectful

HUMAN RIGHTS

CAN'T TERMINATE/ DISCIPLINE IF:
• PERCEIVED to HAVE COVID
• IN QUARANTINE

EMPLOYERS CAN LAY-OFF DUE to COVID
MEDICAL NOTES NOT REQUIRED

OCCUPATIONAL HEALTH & SAFETY

Take reasonable steps to ensure a SAFE WORKPLACE!

HR Considerations

We really are ALL in THIS together!!

REMEMBER that EVERYBODY has their own SET of issues, fears, anxieties

VISIT HRINSIDER.ca for AFFORDABLE/ RESOURCES

CREATE POLICIES TO ADDRESS COMMON ISSUES that COME UP in a PUBLIC HEALTH EMERGENCY

CHECKLISTS & FORM

PANDEMIC PREPAREDNESS CHECKLIST

★ CREATE a PLAN for the FUTURE!

COVID-19 SELF-ASSESSMENT tool
COVID-19 RISK-ASSESSMENT

PHYSICAL and MENTAL WELLBEING are PARAMOUNT!!

ENGAGE YOUR BOARD! TO SHOW STAFF appreciation



★ ACCESSING PPE for WORKERS

- FACE SHEILDS and GOGGLES are EASY to FIND

★ DO I NEED to CONTINUE EXTENDED BENEFITS for LAID OFF STAFF?

- YES- YOU SHOULD KEEP them on HEALTH & DENTAL

★ LAYING OFF PART TIME WORKERS

- CONSTRUCTIVE DISMISSAL- when the terms of the contract change (ex| 20hrs/wk to 10 hrs/wk)

Deemed acceptable right now

★ POOR PERFORMANCE in PROBATION PERIOD

- You have to show that YOU'VE GIVEN the EMPLOYEE a CHANCE to PROVE THEMSELVES
- GIVE feedback so they KNOW WHY they're failing
- Better to include a tight SEVERANCE CLAUSE than a PROBATION PERIOD

★ DO EMPLOYERS HAVE an OBLIGATION to HIRE BACK those LAID OFF DURING COVID-19?

- CHECK the CONTRACT- if there isn't a SEVERANCE LIMITING CLAUSE, you have not extinguished your liability if you only pay ESA severance
- ★ COVID PRIVACY
 - EMPLOYER CAN ASK to SEE COVID TEST to SHOW RECOVERY
 - TEMPERATURE TAKING IS ACCEPTABLE

★ OVERTIME for CASUAL STAFF

- ALL STAFF, including CASUAL, MUST be paid TIME-and-a-HALF after 8 hours (DOUBLE TIME after 12 hours)



GET THE PICTURE

VISUALLY RECORDED BY

Lisa Edwards

WWW.GETTHEPICTURE.CA