

## Considerations and Implications of Resuming Operations During Alberta's Relaunch



*By Megan Van Huizen*

The Alberta relaunch plan and a stage-based return-to-work is on the horizon for many employers following 8+ weeks of forced closures across the province. As employers begin to contemplate bringing employees back into the work place, there are many strategies and policies that will be necessarily implemented to adapt to this new normal. The Alberta Government recently released their "Workplace Guidance for Business Owners" document, which outlines the expectations and requirements for employers to ensure a safe return to work in the coming weeks. The full Guide can be [downloaded here](#).

While much of this Guide may appear to be common sense, it is important to recognize that following these requirements will likely make or break many employers' ability to keep operating. Avoiding outbreaks in the workplace is in everyone's best interest, even if it means rigid policies and guidelines need to be in place for the long term. Employers should be particularly cognizant of policies surrounding PPE, hazard assessments, preventative screening, workplace hygiene and the amount of contact employees may have with each other, clients or patrons. Arguably, many of these requirements for health and safety have existed under OHS for some time, but now must be adjusted to take into account COVID-19 specific requirements and risks.

If you are an employer who is permitted to resume operations in the coming weeks and you require employees to return to work in order to do so, you are entitled to compel them to come back to work, as long as you are meeting your obligations under OHS and applicable Provincial Health Orders. Likewise, you have the right and obligation to compel sick or symptomatic employees to stay home in accordance with applicable quarantine and isolation requirements and to otherwise comply with the Public Health Orders even when they are not in the workplace.

That said, returning employees to work will not likely be as simple as opening your doors. Specifically, some employees may not feel comfortable returning to work despite not being sick or quarantined. While you technically have the right to compel their attendance, doing so may result in OHS refusal of unsafe work complaints, which will then trigger investigation requirements under the Act. Dealing with an investigation while attempting to resume operations will almost certainly place a strain on resources that employers would prefer to avoid. Notably, employees cannot be docked pay or benefits while an investigation is ongoing.

In our view, it is inevitable that the return to work process is slow and you likely will not need to bring back all of your employees at once. As a result, should you have employees who have effectively transitioned to working from home and/or are uncomfortable returning to the workplace, you may consider allowing them to stay home for the time being. Likewise, there will be employees who are eager to return to work and will voluntarily do so once you are able to bring them back.

Practically speaking, employers may encounter less resistance if they are able to take a flexible approach and implement a phased return that contemplates the actual need for workers and employee comfort levels with return. This approach can function to give you both happy employees and an operating workplace which only



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has as many employees attending as needed. That said, this approach is not one-size-fits-all and may not be an option for all employers' businesses. Ultimately, it is up to the employer how they wish to return employees to the workplace and you have the right to require employees to return, regardless of preference. At Brownlee LLP, our team can assist you in preparing the best approach and strategy for your workplace as you begin to navigate our new normal.

## Questions?

Should you have any questions with respect to this bulletin, or if you would like more detailed information related to Employment Law, please contact the Brownlee LLP [Employment and Labour team](#).

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