



FÉDÉRATION
QUÉBÉCOISE DES
MUNICIPALITÉS

COVID - 19

A Summary Guide

WHAT TO DO AS A MUNICIPAL EMPLOYER

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This guide is intended to be an easy to use and user-friendly tool. Your obligations as an employer during a pandemic have been summarized in order to maximize its usefulness.

If in doubt, please refer to the *Service en ressources humaines et relations du travail* of the *Fédération québécoise des municipalités* (FQM).

We would like to emphasize that the pandemic is an exceptional situation which requires exceptional measures and that the employer must be accommodating during this period.

Health and safety - General obligation

As an employer, you have a duty to protect the health and ensure the safety and physical well-being of your employees and to keep everyone safe in the workplace. As such, you must put in place preventive measures in the face of the COVID-19 pandemic. We invite you to consult the Model of temporary measures directive in the event of an epidemic [HERE](#).

What information should you require from your employees?

The employer must obtain certain information in order to protect the health of its employees. We suggest that you limit the information requested to the following:

- Trips made abroad in the past 14 days and trips to come;
- Past or current contacts with a person affected by COVID-19 or having symptoms of it;
- Employees presenting symptoms of COVID-19.

We recommend that you impose a mandatory disclosure of said information by the employees.

What to do with an employee returning from a trip abroad?

You must require that the employee does not report to work during the incubation period, that is, 14 days after returning to Quebec (hereinafter: the “incubation period”).

If possible, telework should be allowed.

If teleworking is not possible, you can decide whether to pay the employee during the incubation period or not. Subject to express provisions of a collective agreement, here are your options¹:

- Pay 100 % of the salary for the days that would normally have been worked during the incubation period.
- Deplete the bank of sick leave and remunerate the remainder of the incubation period, if applicable.
- Partially reduce the bank of sick leave and compensate the rest, for example reduce the bank of sick leave by half and compensate the rest, so that your employee still has sick leave for the remainder of the year.
- Not remunerate during the incubation period.

Quick solution!

It is possible to adopt a clear directive on travel abroad. See the outline in the suggested directive²:

- For the duration of the pandemic, employees who travel outside Canada will not be able to report for work for 14 days after their return to Quebec and will not be paid for this period.
- Employees who have traveled before the directive came into force or who are currently traveling will not be able to report for work for 14 days after their return to Quebec. They will however be paid during this period.
- In all cases, employees for whom telework is authorized must work. In case of refusal, they will not be paid during the incubation period.

1. If you decide not to compensate all or part of the incubation period, an employee may file a claim stating that he was able to work and available.

2. By adopting and publicizing such a directive, chances of success of a recourse filed by an employee are reduced, subject to the risk of any legal recourse.

What to do with an employee who has COVID-19 symptoms?

You must return the employee home for the duration of the period they are experiencing symptoms.

The usual procedure in case of illness should be followed. A sick employee who is unable to work must use his sick leave. If he exhausts these, he can apply for salary insurance or employment insurance benefits.

However, if he is able to work and telework is possible, then he should be paid.

When the employee presents you with evidence that he is not a carrier of the COVID-19 or is no longer contagious, then you must reinstate him and prioritize telework.

What if an employee refuses to work?

An employee refuses to work for fear of contracting COVID-19 by colleagues or customers? After being informed of the situation, you will need to investigate and determine if there is a real risk to the employee's health. Following your investigation, the intervention of a CNESST inspector may be required.

Similarly, an employee who is pregnant or breastfeeding could request a preventive withdrawal according to the usual procedure provided for by the Act respecting occupational health and safety.

Do I have to ask for medical certificates in the event of prolonged absence linked to COVID-19 or another illness?

To avoid unnecessary congestion of the healthcare system and exposure to the virus, we recommend accepting sick leave without asking for medical certificates during the pandemic period.

However, before allowing an employee with COVID-19 to return to work, the employer should request a medical certificate confirming that he is no longer contagious.

It is understood that when sick leave days have all been used, the employee will no longer be paid. It will be up to the employee to apply for salary insurance or employment insurance and meet the requirements of the insurer or Service Canada.

Can you reduce your services?

Subject to express provisions of a collective agreement, the employer may decide to reduce its services, but it must do so by ensuring that it provides the essential services for which it is responsible.

In the event of temporary layoffs due to a reduction in service, you must issue Records of Employment, as usual.

Reminder of the absences provided for by the *Act Respecting Labour Standards*

An employee can be absent:

- 26 weeks, for illness, over a period of twelve months, without pay.
- 10 days for family or parental leave (ex: taking care of a child in quarantine). The first two days are paid if the employee has three months of uninterrupted service.
- 16 weeks over a twelve-month period, to care for a parent, without pay.
- 36 weeks over a twelve-months period, to care for a minor child, without pay.

In short, question / answer on the COVID-19

Can the employer prevent an employee from making a personal trip abroad?

NO

Can the employer request to be informed of any symptoms related to the COVID-19 from its employees?

YES

Can the employer fire an employee with COVID-19?

NO

Can the employer prohibit the employee at risk from entering the workplace?

YES

Do employees have responsibilities during the pandemic?

YES

Can an employee take time off work to care for a loved one?

YES

Follow-up - Employment Insurance

The waiting period to qualify for Employment Insurance has been eliminated. Service Canada has set up a priority line for processing requests related to the COVID-19 **1 833 381-2725**.

We will keep you posted on all further developments.

For any question about the COVID-19 in the workplace, we invite you to contact our professionals of the *Service en ressources humaines et relations du travail*.





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