

'A nightmare for employers': Companies getting ready to bring staff back to work, but lack of childcare a major obstacle ^[1]

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EXCERPTS

CALGARY – Wendy Giuffre’s phone has been constantly ringing with calls from nervous employers trying to figure out how they can bring their employees back to work as COVID-19 restrictions begin to ease.

The owner and president of Calgary-based HR consultancy Wendy Ellen Inc. said that in many cases the timing of businesses being allowed to reopen is not coinciding with a similar lift in the restrictions for childcare and day-camp operators, which presents an added challenge for employers trying to bring their employees back to work.

“One of the main challenges they’re having in getting staff back is childcare. It’s not even the really young ones, it’s the ones that are school age but not old enough to manage on their own,” Giuffre said, noting that children under five can go to daycare if there are spots available, but many school-aged children can not and schools remain closed.

“That’s going to be a nightmare for employers to bring their staff back,” she said.

A May 19 survey by the Conference Board of Canada showed that only eight per cent of employers are prepared to bring remote workers back to their regular workplace as the coronavirus pandemic wanes. But a clear majority – almost 87 per cent – are nearly prepared or somewhat prepared to begin recalling staff.

In addition, 40 per cent of the 279 survey respondents said they “will require employees currently working remotely to return to the workplace in some capacity” in the future.

The need for companies to bring employees back to work is running up against a number of occupational, health and safety issues, especially since employment law has been revised federally and provincially since lockdowns began in March.

For example, some companies are wondering if it’s feasible to bring thousands of workers back to office towers if social-distancing requirements in some provinces limit elevators to three people at a time.

Multiple human resources consultants and employment lawyers said companies are trying innovative ways to handle employee concerns, including renting out parking lots so staff can drive rather than take public transit, because of fears about disease transmission in close quarters.

“Employers are being incredibly creative in how they deal with it,” said Brian Thiessen, a partner in the employment and labour group at Osler, Hoskin & Harcourt LLP.

In addition, employers are increasingly finding creative ways to accommodate employees with young children, since in many cases they have lost childcare through either forced closures or phased reopenings of facilities, or because schools are closed.

Some of the options employers are considering include offering nannies, finding daycare spaces or allowing more flexible working hours.

Thiessen said the most obvious and easiest way for companies to accommodate such employees is giving them the flexibility to continue working from home.

“The best and easiest way to take pressure off is to take your time on the physical return to work,” he said.

Data show the current recession has been particularly hard on women, with higher numbers of female employees affected by layoffs than male employees. As employees encounter troubles with childcare when called back to work, economists are concerned the burden of staying home or demanding flexible work hours will fall more often on female employees.

But some HR consultants said they’re seeing companies accommodate the needs of either parent.

“Whoever has the most flexible employer is the one staying home, whether that be female or male,” said Cori Maedel, chief executive of

Jouta Performance Group in Vancouver, adding that it's not always the mother making the request. "I've definitely seen some shifting."

In cases where employees have childcare needs, and those needs have changed over the course of the pandemic, companies are required to make accommodations, said Howard Levitt, senior partner at Toronto-based employment and labour law firm Levitt LLP.

"Human rights across Canada and the jurisprudence makes it clear you have to accommodate childcare needs," he said, noting that a company cannot force an employee to come back to the office or workplace if he or she needs to care for children.

However, Levitt said, "a lot of employers are desperate to get people back to work," and if a company goes out and finds a daycare, a day camp or a nanny, then those employees are no longer able to refuse a return to work.

"If they do that, the employees cannot say, 'I don't want my kids mixing with 10 other kids and who knows where they've been,'" he said.

The companies currently under the most pressure to bring employees back are in customer-facing industries and the services sector, said Aline Ayoub, owner of Aline Ayoub HR Consulting in Toronto.

"Organizations that don't necessarily need to be facing the client, they're not necessarily in a big rush," she said.

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