INFORMATIONS AND RECOMMENDATIONS
FOR EMPLOYERS AND WORKERS

CORONAVIRUS
[COVID-19]

Published in March 2020 by the Ordre des conseillers en ressources humaines agréés
The Ordre des conseillers en ressources humaines agréés has prepared this guide to help employers and workers in their coronavirus (COVID-19) mitigation efforts. It is intended as a complement to the information issued by government and public health authorities and contains a series of recommendations and considerations designed to help slow the transmission of the virus in the workplace.

Among other things, it presents a detailed pandemic infection prevention plan for employers.

The information in this document may be subject to change and will be updated on an ongoing basis, as modifications are made to official guidelines.

This guide is also available in electronic form at: crha.li/covid-19-eng

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With nearly 11,000 professional members, the Ordre des conseillers en ressources humaines agréés is the primary reference in organizational human resources practices. It ensures the protection of the public and contributes to the advancement of its CHRP and CIRC members. Through its actions in the public arena, it plays a key influential role in the Quebec workplace. For more information, visit ordrecrha.org.

**Disclaimer**

The recommendations herein are based on formal statements and advisories from public health officials and other experts. They take into account the most recent information about the coronavirus (COVID 19) at the time of publication, but they do not aim to address every question in this regard, nor provide a detailed or comprehensive confirmation of official recommendations. The measures outlined in the following pages are meant to serve as basic guidelines. The contents will be updated as new knowledge becomes available and as the situation evolves.

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Published in March 2020 by the Quebec CRHA Order
FOREWORD

Officially designated as a pandemic by the World Health Organization (WHO), the coronavirus (COVID-19) has raised numerous public, medical and even economic concerns.

Seen from a macro point of view, coronavirus escalation, will contribute to an economic slowdown or even a recession in Canada as in many other countries. Businesses of all sizes stand to be among the most affected by the negative repercussions of this outbreak.

From a micro standpoint, the spread of the virus is having an undeniable impact on jobs and employers. They who have no choice but to prepare for and manage the fallout of COVID-19 which may last for months.

A series of government measures has been put forward in this regard, including the following:

- State of public health emergency declared on March 13, 2020, throughout Quebec
- All returning travellers to isolate themselves for a period of 14 days
- Travel by train or plane prohibited for people with symptoms of COVID-19
- Indoor and outdoor gatherings banned, with some exceptions
- Physical distance of two metres from other people outside your home
- All schools closed at least until May 1st, 2020
- All non-priority shops and services closed at least until May 4th, 2020
- All grocery stores and non-essential business closed on Sundays at least until the end of April, except for gas stations, pharmacies and convenience stores
- People asked to stay at home and go out only when necessary, especially those aged 70 and over
- A ban on non-essential visits to hospitals, CHSLDs and private seniors residences
- People are asked not to move from one region to another or from one city to another, except when necessary, and roadside checks to limit entry and exit in several regions of Quebec.
In a video interview with Manon Poirier, Executive Director of the Order, during our COVID-19 Day on April 7, 2020, the Minister of Labour, Employment and Social Solidarity, Jean Boulet, explained and clarified the Joint Action Program for Employment (PACME) that he announced the day before. Here are the outlines:

- The Government of Quebec is providing a **budget of $100 million** to encourage companies to provide training to their employees in the coming months.
- This program is intended for businesses, regardless of their status, **whose activities have been affected by the pandemic**.
- The aim is to take advantage of the current pause to help companies **prepare for the recovery** so that they emerge more productive from the crisis, while mitigating the negative impact of health measures that limit their activities.
- **The government will reimburse all eligible expenses**, including trainers’ fees, direct and indirect training costs, and human resources work to organize them, up to a maximum of $100,000 (50% of expenses between $100,000 and $500,000 are eligible). The **salaries of employees attending training** will also be reimbursed by 25% up to 100% depending on the case, in addition to the federal Emergency Wage Subsidy and up to a maximum of $25 per hour.
- **Eligible training activities** include basic employee training, as well as training in digital skills, business activities, training recommended by professional orders, skills needed to facilitate the resumption of activities or a change in activities due to the pandemic, requalifying workers, and French language training.
- Several **human resource management activities** are also eligible, such as HR diagnosis, HR management consulting mandates, and coaching and management skills development.
- This **training offer** is ready. It was prepared by the Labour Market Partners Commission in collaboration with universities, colleges, school boards, professional colleges and labour sector committees. Other training courses may be added.
- **Distance training** is encouraged, but in-room training may be conducted as required in accordance with current health rules.
- The program is available now, until the $100 million envelope runs out and it ends **September 30th, 2020**.

More details here.
On April 8th, 2020, the Trudeau government announced loosening the eligibility criteria for the Emergency Wage Subsidy. What are the details?

- For March 2020, companies will have to show a decrease of at least 15% in their earnings, instead of the 30% announced in recent days.
- They can take into account the months of January and February 2020 to demonstrate this decline in revenue.
- Non-profit organizations and charities will have the option of including or excluding government grants to calculate their lost income.

Questions about the Emergency Wage Subsidy

Is it necessary to rehire laid-off employees to qualify for the Subsidy?

You do not have to rehire an employee to qualify for the Subsidy. However, assistance will only be provided for the period between March 15, 2020 and the employee’s layoff date.

Can an employee who applied for the Canadian Emergency Recovery Benefit (CERB) refuse to return to work?

No. The CERB is only for people who have lost their jobs involuntarily. Employees who are recalled must report to work and will lose the right to the CERB.
If my company is a subsidiary of a large international company, can I apply for the Emergency Wage Subsidy? All Canadian-based companies with operations in Canada are eligible. It is therefore important to analyze the structure of the business to see if the subsidiary is a separate legal entity based in Canada. If, in any given month, that entity lost 30% of its revenues as a result of the pandemic compared to the same month of the previous year, it will be eligible.

I’ve laid off employees. Can I receive the Emergency Wage Subsidy and rehire them, even if I don’t have a job for them? Yes. It’s possible to keep employees for whom you do not have a job. However, this is a strategic decision because the Subsidy has a cost. Employers must continue to pay payroll taxes (pension plan, group insurance, etc.). The federal government is also asking companies to "do their best" to close the 25% wage gap. Employers must therefore assess whether it’s appropriate to keep these employees considering the costs involved, or whether it’s preferable to lay them off so that they can apply for the Canadian Emergency Benefit.

What are the best practices to compensate for the 25% gap between salaries and the 75% Emergency Wage Subsidy? The federal government is counting on the good faith of employers. This is not an obligation. Some companies will not be able to make up for this 25% gap because of their financial situation. This strategic decision is based on an analysis of the situation within each company. Organizations will need to assess two important factors: the moral obligation to compensate for the 25% gap, which the government will explain in coming days; and the provisions that will be put in place to counter abuse.

Can a company lay off one group of employees while keeping another group of employees at work, or rehiring another group of employees? Yes. The first group would then be eligible for the CERB, and the employer could apply for the Emergency Wage Subsidy for the second group and all employees laid off after March 15.

In the case of a company that provides essential services, can an employee refuse to work as a safety measure and apply for the CERB? No. This is a voluntary refusal to work based on subjective fears, and the employee is therefore not eligible for the CERB. This individual would not be able to demonstrate there was a layoff.
How do you calculate the incomes of minimum wage employees with tips?
The employer can set a weekly average including tips. The federal government will soon issue guidelines to facilitate salary estimation.

Can the current measures to counter the pandemic affect my parental leave? If so, can I start it now?
If you experience a loss of income due the pandemic, you are eligible for the Canada Emergency Response Benefit. According to the information currently available, using this form of assistance will not reduce the number of weeks of benefits you will then be entitled to under the Quebec Parental Insurance Plan (RQAP).

However, you may choose to start your parental leave earlier due to a lack of work. RQAP maternity benefits can be paid from the 16th week prior to the week of the expected date of delivery. Paternity benefits can be paid from the week of the child’s birth. In both cases, you must have stopped working or suffered a weekly pay cut of at least 40% to be eligible for these benefits.

For more information on this plan, visit the RQAP website.

What is the maximum number of weeks I can receive emergency benefits?
The Canadian Emergency Benefit will cover up to 16 weeks, from March 15, 2020 to October 3, 2020. If you are still out of work—but looking for a job—at the end of those 16 weeks and are eligible for EI, you may then be eligible for benefits under that program.

Which businesses are ordered to close until May 4, 2020?
Quebec Premier François Legault ordered the closure of all companies and businesses, except those offering essential services, until May 4, in order to limit the spread of COVID-19.

The full list of services and companies that will remain open will be updated on the Quebec government website.

If your business conducts an activity that is not listed above, but you consider it essential, you can verify the designation as an essential business.

If you have any questions, you can ask the Quebec government for details using this form.

Can companies that have the option to telecommute continue their activities?
Yes. “[Telecommuting] is the ideal situation,” said Quebec Premier François Legault. E-commerce and teleworking are permitted, provided they do not require employees to report to the workplace.
Are employees required to use their accumulated vacation hours or sick leave before claiming EI benefits or government assistance?

Technically, the answer is no. An employer can’t force an employee to go on vacation. On the other hand, we have seen several employees who have chosen this route, because their salary is more generous than the EI benefits they would receive. It’s an option both parties might agree upon, if mutually beneficial.

How do you deal with an employee who has symptoms similar to COVID-19, has called public health authorities but has been asked to stay home to wait for symptoms to develop?

In this case, the quarantine must be observed.

How do you respond to an executive who insists that employees come to the office, even if it’s not really necessary?

Employers must follow the instructions the public health authorities have given and put the health of workers first. If employees can telework, and if their presence on the company’s premises does not provide an essential service, they should not be required to attend.

Can an employer take the temperature of employees when they show up for work?

While this seems an intrusive measure, the current crisis allows employers to take more drastic measures to ensure the health of employees. Employers considering this approach must make sure to have a solid scientific protocol to support the measure. In the best-case scenario, a health professional may be consulted as necessary, for example where a second opinion is required.

It’s also important to clearly communicate how this measure works, what the consequences are and when they apply. This ensures that workers understand the approach and, ideally, comply with it.

I am repatriating workers from another Canadian province. Do they need to follow the same rules as people returning from abroad?

Although it is not legally mandatory at this time, as a precaution for the health and safety of workers, we recommend these people be quarantined, especially since the Government of Canada has now asked Canadians to limit interprovincial travel.

Should hiring continue?

It’s up to each company to assess their situation. That said, several organizations are continuing their recruitment efforts. These are primarily organizations that provide essential services. Social distancing poses a challenge to finalizing recruitment, but technological solutions exist and can help. Then we have to think about the challenge of integration, made more complex by the lack of physical proximity. But there is nothing stopping companies from recruiting.
KEEP UP TO DATE!

Whether you’re an employer or a worker, keeping up with the latest developments on the COVID-19 pandemic is a determining factor in limiting the spread of the virus.

Rumours and fake news are also spreading quickly. Here are three sources of official, reliable information.

Quebec.ca/coronavirus
In addition to Premier Legault’s daily press conferences, the government of Quebec has created this resource which covers health measures being taken by the province.

Canada.ca/coronavirus
Information on COVID-19 from the government of Canada, including information on international travel and Canadians currently abroad.

World health organization (WHO)
WHO provides information on the spread of COVID-19 around the world, as well as health advice, on this site. Updated daily.
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EMPLOYERS
This process map represents our current understanding of the various government measures announced.

**COVID-19 - WHAT FINANCIAL ASSISTANCE IS YOUR COMPANY ELIGIBLE FOR?**

- **Emergency Wage Subsidy** (federal program)
  - Equivalent of 75% of wages on the first $58,700.
  - Up to 3 months, application to be renewed each month.
  - Retroactive to March 15th, 2020, for the months of March, April and May.
  - Intended to maintain current employment status.

- **Canada Emergency Business Account** (federal)
  - Allows financial institutions to grant interest-free loans.
  - Max: $40,000.
  - For SMEs and non-profits with 2019 payrolls between $50,000 and $1M.
  - 25% loan reduction if repaid before December 21, 2022.

- **Programme d’action concertée temporaire pour les entreprises (PACTE)** (provincial)
  - Administered by Investissement Québec (IQ).
  - Loans and loan guarantees.
  - Min: $50,000.
  - Contact IQ: 1-844 474-6367.

- **Desjardins Group and the six leading Canadian banks have announced easing measures for their customers.**

- **Deferral of Customs Duty** (federal)
  - June 30th, 2020, for customs duties on imported goods.

- **Canada Emergency Business Account** (federal)
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  - Max: $40,000.
  - For SMEs and non-profits with 2019 payrolls between $50,000 and $1M.
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- **Deferral of Customs Duty** (federal)
  - June 30th, 2020, for customs duties on imported goods.

**CORONAVIRUS (COVID-19)**

**RECOMMENDATIONS FOR EMPLOYERS AND WORKERS**

**CRHA**
The Quebec Labour Code stipulates that companies have an obligation toward their employees when it comes to workplace health and safety. This extends to pandemics. Companies must take all possible measures to address the corresponding risks and must organize themselves to anticipate and limit the spread of the virus. This guide therefore presents a detailed plan for preventing infections in the context of a pandemic for employers.
WHAT HEALTH PRECAUTIONS ARE RECOMMENDED FOR QUEBEC BUSINESSES?

For the time being, the authorities recommend that the same respiratory etiquette measures as those that apply to the prevention of seasonal infectious diseases such as the common cold and the flu.

This includes the following:

- Cover your mouth and nose with the inside of your elbow or a tissue when coughing or sneezing.
- Frequently wash your hands with soap and water for 20 seconds.
- Avoid touching your eyes, nose and mouth with unwashed hands.

In addition, businesses are urged to adopt an infectious disease prevention policy, which may include measures such as disinfecting high-traffic spaces, distributing antiseptic products, reminding employees of basic respiratory etiquette, avoiding face-to-face meetings, encouraging conference calls and providing employees who exhibit flu-like symptoms the chance to work from home.

Access to a handwashing station with soap and water is also strongly recommended, along with posted instructions on effective handwashing, such as the ones recommended by the World Health Organization. Employers that cannot provide a handwashing station are urged to make alcohol-based hand sanitizers such as Purell available.

In the specific case of COVID-19, the Ministère de la Santé et des Services sociaux du Québec recommends that workers avoid touching door knobs and handles in order to reduce the risk of spreading the virus.

Companies also have a responsibility to follow the self-isolation protocols recommended by public health authorities BEFORE allowing an employee presenting a risk of contagion to return to work.

Further details about provincial government measures to reduce the risk of spreading the virus are available at quebec.ca/coronavirus.
In the current context, the best way to assess the risk of someone being infected with COVID-19 is by asking them these three questions:

1. Have you travelled in recent weeks?
2. Do you believe you have been in contact with an infected person?
3. Are you showing any symptoms of COVID-19 (runny nose, cough, fever, sore throat, headache, difficulty breathing)?

Note, however, that the symptoms of COVID-19 can take up to 14 days to appear. Employers are therefore justified in requiring any employee who answered “yes” to Question 1 or 2 to self-isolate for 14 days.
Generally speaking, employers have an obligation to protect the health and safety of their employees in the workplace (section 51 of the Act Respecting Occupational Health and Safety). This applies to the spread of a virus such as COVID-19. As such, employers are responsible for enquiring as to the state of their employees’ health in the current context. For further information, see the “Volet Santé et sécurité du travail” section of the COVID-19 FAQs on the CNESST website.

Employers also have an obligation to respect employees’ privacy (Charter of Human Rights and Freedoms). They must therefore limit questions about this topic to those recommended by public health authorities and uphold the confidentiality of all information they obtain. However, if the health of a worker is at stake, the duty to protect the health and safety of other workers takes precedence over their right to privacy.

In addition, employers must refrain from targeting any employee as a potential infection risk strictly on the basis of their nationality, which would be in direct violation of their rights and freedoms (Charter of Human Rights and Freedoms).
COVID-19 is a novel virus that had not been previously detected in humans. Much about it therefore remains unknown, and the situation is likely to evolve in the months ahead.

The best way for businesses to provide reliable information to their employees is to refer exclusively to official sources:

Quebec.ca/coronavirus
In addition to Premier Legault’s daily press conferences, the government of Quebec has created this resource which covers health measures being taken by the province.

Canada.ca/coronavirus
Information on COVID-19 from the government of Canada, including information on international travel and Canadians currently abroad.

World Health organization (WHO)
WHO provides information on the spread of COVID-19 around the world, as well as health advice, on this site. Updated daily.
In a pandemic, many businesses will be required to close and will be faced with abnormally high rates of absenteeism, with employees in self-isolation or assisting a self-isolating family member, and others who refuse to report to work for fear of being exposed to the virus.

Organizations need to have an up-to-date business continuity plan (BCP) in place to minimize disruption to their operations.

**This plan should include:**

- A policy on infectious diseases that makes it possible to roll out the required hygiene measures in a timely manner
- The specified chain of command
- A breakdown of critical operations
- A list of resources that can step in should there be a shortage of workers or a service interruption with a business partner

A BCP may also include training tools and an absence management policy.

**FURTHER READING:**
- [Responsabilités du CRHA et du CRIA en cas d’épidémie ou de pandémie](in French)
- [6 conseils pour gérer la crise de la COVID-19 dans votre organisation](in French)
- [Comment préserver votre marque employeur dans la tourmente](in French)
SHOULD BUSINESSES ENCOURAGE EMPLOYEES TO WORK FROM HOME TO MITIGATE THE SPREAD OF THE VIRUS?

The most common way COVID-19 is spread is through respiratory droplets (sneezing or coughing) or physical contact with an infected person or a contaminated surface.

Working remotely is therefore a good way to control the spread of the virus by limiting person-to-person contact. It is recommended for this option to be included, in an infectious disease prevention policy and a BCP.

READ OUR ARTICLE:
La gestion du télétravail en temps de pandémie (in French)
Beginning March 25, 2020, under the Quarantine Act, travellers returning to Canada must observe a mandatory 14-day quarantine. Violators will be subject to fines of up to $750,000 and even jail time.

If you are worried about COVID-19 or display symptoms such as a cough or fever, you can call toll free: 514-644-4545 in the Montréal area, 418-644-4545 in the Québec City region, and 1-877-644-4545 elsewhere in Québec.

The Government of Quebec asks the population not to call 811.

Information concerning the health of Montrealers can be found here.

Businesses are therefore well within their rights to ask an employee who is returning from a trip to follow a self-isolation protocol and to require them to produce a medical certificate prior to returning to the workplace.

During the self-isolation period, employers may suggest an employee to work remotely, if the situation allows. Otherwise, the employee may take advantage of the federal government’s Canadian Emergency Recovery Benefit.

Please note: employers are not required to compensate an employee in voluntary self-isolation.
CAN AN EMPLOYEE BE FORCED TO SELF-ISOLATE AT HOME FOR 14 DAYS IF THEIR EMPLOYER BELIEVES THEY HAVE BEEN IN CONTACT WITH AN INFECTED PERSON?

An employer is required to apply the self-isolation protocol recommended by public health authorities only if there are “reasonable grounds” for doing so, i.e., if the employee in question confirms having travelled after March 12, 2020 or believes they have been in contact with an infected person.
An employee who has “reasonable grounds” to fear for their health or safety in the workplace has a right to refuse to work (under section 12 of the Act Respecting Occupational Health and Safety).

An employee is therefore entitled to refuse to work with a co-worker who presents a risk of infection, based on the criteria established by public health authorities.

Workers may file an anonymous complaint in this regard. Any such complaint will be reviewed to determine the measures required to control the risk.

For pregnant and nursing women, the Act includes a provision on protective reassignment.

This right may nevertheless not be invoked for personal reasons that are unrelated to the recommendations issued by official authorities. Likewise, it cannot be utilized if the conditions under which the work is to be performed are ordinary conditions for this kind of work or if the work does not present an immediate danger to the life, health, safety or physical well-being of another person, as outlined in section 13 of the Act.

For further information, see the “Volet Santé et sécurité du travail” section of the COVID-19 FAQs on the CNESST website.
Can an employer disclose the names of employees who have tested positive for coronavirus for prevention purposes?

Employers must contact public health authorities in the event of a reported case of COVID-19 to obtain the necessary recommendations.

All workers must also be apprised of the situation, along with anyone who has been in direct contact with the infected person. Keeping this information secret could expose the employer to claims later on.

Although it is critical for employers to take all the necessary measures to protect the health, safety and physical well-being of their workers, they are also bound to comply with all applicable legislation on privacy and human rights.

Accordingly, subject to the relevant health and safety legal provisions, employers must avoid disclosing the identity of employees who are infected, or thought to be infected, with the virus. However, in the event a state of emergency is declared, which is now the case, individual privacy takes a back seat to public safety.

The Emergency Management Framework for Canada defines an emergency as a “present or imminent event that requires prompt coordination of actions concerning persons or property to protect the health, safety or welfare of people, or to limit damage to property or the environment.”

This is subject to information provided by firms specializing in corporate law (Osler and Blakes): “As an exception, Canadian privacy legislation permits the use and disclosure of personal information without knowledge or consent in an emergency that threatens the life, health or security of another individual.”
CAN A COMPANY SEND AN EMPLOYEE ABROAD?

Currently, the Public Health Agency of Canada is advising against all non-essential travel.

In any case, the borders of many countries are closed and no longer accept foreign travellers.

The federal government also prohibits all domestic travel (by train or plane) for individuals presenting symptoms of COVID-19.
If an employee is travelling and reports the infection prior to their return, the employer is bound to ask for a medical certificate prior to letting the employee return to work.

If an employee shows up at work infected, the employer has a duty to communicate with public health authorities to learn the proper measures to decontaminate the premises and manage the situation.

For further informations about managing biological risks in your business, please consult this guide produced Commission des normes, de l’équité, de la santé et de la sécurité du travail (in French).
Given the extraordinary circumstances of the coronavirus outbreak, businesses are urged to adopt the following best practices to effectively manage the repercussions of the crisis:

- Implement a business continuity plan. Make a list of your priority operations that must be upheld in the event of a significant number of employee absences, along with measures for protecting employees who are at work.

- Stay in constant touch with employees to minimize the panic and anxiety that often arise in such situations (read our advice on this subject). This applies equally to prevention and self-isolation measures, compensation and leave policies in the event of absence or isolation, or a scenario wherein a company foresees a market slowdown. Transparency is almost always preferable to uncertainty and hearsay.

- Should a company experience a downturn, the recommendation is to explore alternative measures, wherever possible, before proceeding with temporary layoffs. These measures can include voluntary leave without pay, reduced hours, recruiting freezes and more.

- Once again, the work-from-home option should be favoured to maintain employees’ activities and ensure they continue to be paid, whenever possible.

- In this situation, please remember that employees who cannot go to work because of the virus and who have exhausted their sick leave and other options will be entitled to employment insurance benefits from day one, without any waiting period. This is one of the measures announced on March 11 by Prime Minister Justin Trudeau to offset the economic repercussions of COVID-19.

- Finally, it is important to bear in mind that employee loyalty is critical to all businesses. Once the crisis is over, the staff support measures put in place by employers, capacity allowing, will make a big difference when it comes to longer-term employee retention.

FURTHER READING:
6 conseils pour gérer la crise de la COVID-19 dans votre organisation (in French)
Employers are asked to be vigilant and stay alert to advisories issued by public health authorities at the municipal, provincial and federal level. The goal is to ensure they are aware of their duties and obligations as they relate to the crisis, especially as regards labour standards, individual rights, workplace hygiene and on-the-job safety. But they must also ensure their employees are informed and provide regular updates on the situation.

It is important to keep lines of communication open with employees and provide them with regular updates on the measures you have adopted as well as your policy on payroll continuity in any given scenario:

- For employees who are sick.
- For employees staying at home to take care of a loved one who is sick.
- For employees you ask to self-isolate at home even in the absence of symptoms.
- For employees who report having been in contact with someone who is symptomatic or who is returning from travel and is quarantined.

Even if you feel your policies on absence and leave are already clear, take a moment to review them with your staff. Consider how you could provide other budget-friendly means of financial support for affected employees.
MY COMPANY HAS TO LAY OFF EMPLOYEES BECAUSE OF THE CRISIS. WHAT ARE OUR OPTIONS?

For employers in Quebec and under provincial jurisdiction who have to close or are facing a decline in income or their activities as a result of COVID-19, there are a number of options available:

- Emergency Wage Subsidy
- Temporary layoffs
- Changes to the Work-Sharing program
EMERGENCY WAGE SUBSIDY

Announced on March 27, 2020 by the Government of Canada, this subsidy is intended to help businesses retain or rehire workers affected by the current crisis. For eligible businesses, this subsidy will cover 75% of employee salaries (applicable to the first $58,700 of an employee’s annual earnings, or up to $847 per employee, per week), for three months, retroactive to March 15, 2020.

For example, instead of layoffs, the federal government recommends:

- keeping or rehiring staff as soon as possible
- where possible, making up for the 25% wage gap
- while waiting for the wage subsidy, using the various credit programs announced at the end of March
- showing good faith when applying for financial assistance
  (there will be serious consequences for anyone abusing the system)

What organizations are eligible for the wage subsidy?

- businesses of all sizes, both SMEs and large businesses, including non-profits and charities
- whose earnings have fallen by more than 30% in March, April or May 2020, due to the crisis, as compared to the same month of the previous year
- excludes organizations receiving public funds, such as Crown corporations

How can employers apply?

- an online portal will be available soon on the Canada Revenue Agency website
- reapply each month
- available around mid-May 2020
TEMPORARY LAYOFFS

If an organization is not eligible for the Emergency Wage Subsidy, temporary layoffs can be done.

Dans le cadre d’une mise à pied temporaire, les employés conservent leur lien d’emploi pendant la durée de la mise à pied temporaire, sans être rémunérés, et demeurent en attente d’être rappelés au travail.

In a temporary layoff, employees keep their jobs for the duration of the temporary layoff, without pay, and wait to be recalled to work.

For unionized employees, the current situation could justify layoffs without notice, overriding the provisions of a collective agreement. However, two conditions apply:

- the layoffs are based on serious and documented grounds
- measures are taken to limit the length of these layoffs over time

Moreover, the concept of “force majeure” is not a matter of public policy, and it is possible that the collective agreement provides for a specific definition. Before taking these steps, legal advice is recommended.
Non-unionized employees:

- For employees governed by the Labour Standards Act, if you believe that the temporary layoff will last less than six months, no written notice is required. For employees governed by the Canadian Labour Code, this period is 3 to 6 months. However, a written notice records the reasons for the layoff and documents the effects of the current crisis.

- When notifying employees of the layoff, companies must always issue a Record of Employment, even if the layoff is due to the COVID-19 crisis, and submit it to Service Canada. See the Guide to completing the Record of Employment.

- In the event that the layoff exceeds the six-month period, employers will be required to pay employees compensation as detailed in the Labour Standards Act at the end of the six-month period.

- If you determine that the layoff will last six months or more AND will affect 10 or more employees within the same establishment, or that within a two-month window 10 or more employees will be laid off at the same facility, you will need to provide a notice of collective dismissal to the Minister of Employment and Social Solidarity as well as provide employees with a notice of termination. There are a few exceptions and different deadlines in the legislation; legal advice is recommended.

Please note: Employees laid off after March 15, 2020 may be eligible for the Canada Emergency Response Benefit (CERB). At the end of the CERB benefit period, EI benefits can be resumed.

Finally, if a temporary layoff is considered a constructive dismissal under the Civil Code of Quebec, an employee could claim a leave period under section 2091. The employer could invoke a “force majeure” (unforeseeable and unstoppable event) to free itself from this obligation. This situation is exceptional, so it is likely that the Quebec courts will call it a “force majeure.” However, the pandemic should make the obligation under section 2091 of the Civil Code of Quebec impossible to implement, and not simply more difficult or more expensive.

Read What to do if COVID-19 results in a business interruption?
CHANGES TO THE WORK-SHARING PROGRAM

It is important to note that these special measures also impact the Work-Sharing program. These changes include:

- access has been extended to businesses that have been operating year-round for one year (rather than two years)
- the Work-Sharing agreement is extended to a maximum of 76 weeks (rather than 38 weeks)
- first-time applicants can apply for the full 76-week Work-Sharing Agreement
- officers can now approve emails for agreements over $600,000
- the application and change request form (EMP5100) has been revised

Moreover, the following requirements have been removed:

- mandatory waiting period between applications for a Work-Sharing Agreement — reapply immediately
- recovery plan
- financial documents to support application
- recommendation report and summary for all applications over $600,000
- application signature
- employee signatures on Appendix A

For questions about the Work-Sharing program, employers can write to this new address: ESDC.DGOP.TP.REP-RES.WS.POBI.ESDC@servicecanada.gc.ca.

For eligibility criteria and more, click here.

We recommend that you follow developments by the federal and provincial governments on financial assistance to businesses and employees.

For answers to frequently asked COVID-19 questions from small business owners, visit this special section of the Canadian Federation of Independent Business website.
This process map represents our current understanding of the various government measures announced.

**Canada Emergency Response Benefit (CERB)**
- **Federal program**
- **Apply to:** contract workers and self-employed individuals
- **$2000** per month
- **Up to a maximum of 16 weeks**
- **Taxable benefit**

**Workplace group insurance**
- You might be covered by a short-term disability
- Check with your employer

**Accumulated holiday or paid leave**
- Employers are asked to show some flexibility

**Absence due to parental obligations**
- Workers are entitled to 10 days’ leave per year for family reasons
- If worker has 3 continuous months of service: the first 2 days may be paid

**Labour group insurance**
- You might be covered by a short-term disability
- Check with your employer

**Employment Insurance (EI) sickness benefits**
- For eligible workers
- Workers who don’t have paid sick leave
- Must have cumulated 600 insurable hours
- 55% of insurable income of a maximum of $573 per week
- Up to 15 weeks’ leave
- No obligation to provide a doctor’s note

**Employment Insurance (EI) benefits**
- For eligible workers

**Parents**
- (Taking care of children)

**Lay-offs**

**Income interruption**

**Infected by COVID-19**

**Quarantined voluntary self-isolation**

**Update**

**After 4 months**
Employers have certain duties toward their employees, and vice versa. Employees need to understand their respective roles and responsibilities to, at the very least, avoid endangering the health and safety of their co-workers.
An official global travel advisory is currently in effect.

To limit the spread of COVID-19, the federal government recommends **avoiding non-essential travel outside of Canada** until further notice.

There is an official global warning to travellers in effect:

In order to limit the spread of COVID-19, the government of Canada recommends you avoid all non-essential travel outside Canada until further notice.

To follow the evolution of this situation, see the **travel Advisory** section on the government of Canada website.
IF I RETURN FROM TRAVEL OR IN CONTACT WITH AN INFECTED PERSON:

WHAT PRECAUTIONS SHOULD I TAKE?

Beginning March 25, 2020, under the Quarantine Act, travellers returning to Canada must observe a mandatory 14-day quarantine, which means staying at home and not receiving visitors. Violators will be subject to fines of up to $750,000 and even jail time.

Travellers who are not presenting flu-like symptoms should not go to Emergency, but should rather call the COVID-19 dedicated line within 24 hours of returning to Canada:

Montreal Region: 514 644-4545
Quebec City Region: 418 644-4545
Rest of Quebec: 1 877 644-4545

The authorities asks all returning travellers to watch for COVID-19 symptoms during this 14-day period and to contact their local health authority as required.

Should symptoms of COVID-19 appear, they are instructed to call 1-877-644-4545 for further information.

Basic hygiene etiquette should be followed: practice proper handwashing, cover your nose and mouth when coughing or sneezing, and discard any used tissues immediately.

The Quebec government has produced a Self-Care Guide COVID-19 on how to take care of your health and the health of others.
WHAT ARE MY RESPONSIBILITIES TO MY EMPLOYER?

According to section 49 of the Quebec Act Respecting Occupational Health and Safety, workers must not endanger the health, safety or physical well-being of other persons at or near their workplace.

For federal civil servants or those working for federally regulated organizations, section 126 of the Canada Labour Code states that employees must “report to the employer anything or circumstance in a work place that is likely to be hazardous to the health or safety of the employee, or that of the other employees or other persons granted access to the workplace by the employee.”

Employees returning from travel, employees exhibiting symptoms of COVID-19 and, more broadly, employees who are likely to be a carrier of the virus represent a risk for others and must therefore inform their employer of the situation.

CAN MY EMPLOYER RESTRICT ACCESS TO MY WORKPLACE?

Pursuant to section 51 of the Quebec Act Respecting Occupational Health and Safety, employers “must take the necessary measures to protect the health and ensure the safety and physical well-being” of their workers.

At the federal level, section 124 of the Canada Labour Code states that every employer “shall ensure that the health and safety at work of every person employed by the employer is protected.”

An employee who has been diagnosed with COVID-19 or who exhibits symptoms of the virus is a risk to others. Employers can therefore ask any such employee to work from home or, if their job is not conducive to a remote work setup, to self-isolate.

Employers must require any employee returning from travel that he be placed under quarantine.
3 HOW CAN I GET COMPENSATION IF I HAVE COVID-19 OR IF AM SELF-ISOLATING?

- **FOR WORKERS WHO HAVE SYMPTOMS OF COVID-19, A CLINICAL DIAGNOSIS OR INSTRUCTIONS TO SELF-ISOLATE**

The first thing to check is the employer’s policy on sick leave. For more information, refer to the “Sickness or Accident” page of the “Leaves and Absences” section of the CNESST website.

The WHO recommends employers to be flexible in applying their sick leave policy and waive the need for a doctor’s note so as not to bog down the system and increase the risk of spreading the virus.

Before letting an employee return to work, employers must ask for proof that the employee did not have COVID-19 or, if they did, proof that they have recovered and show no signs of contagion.

As concerns group insurance, generally speaking, insurance companies consider employees who have symptoms of COVID-19, have a clinical diagnosis of the virus or have been ordered to self-isolate to be eligible for short-term disability.

Some insurance companies do not require a doctor’s note to initially process an application for short-term disability if an employee’s absence is due to COVID-19 symptoms, a clinical diagnosis of the virus or an order to self-isolate.

If an employee does not have group insurance through their employer, the federal government has loosened employment insurance rules for sickness benefits, in particular by waiving the one-week waiting period for people who have been directed to self-isolate.
FOR WORKERS WHO DO NOT HAVE SYMPTOMS OF COVID-19 AND HAVE BEEN DIRECTED BY THEIR EMPLOYER TO SELF-ISOLATE AS A PREVENTIVE MEASURE

The employer may be required to continue paying the employee’s regular wages, as the decision to self-isolate was the employer’s.

However, if an employee voluntarily travels to abroad and the employer informs them prior to their departure that they will be required to self-isolate upon their return, the employer would be justified in withholding compensation for this period.

Of course, employers may implement measures to allow employees to work from home.
4 CAN MY EMPLOYER REQUIRE A DOCTOR’S NOTE?

To reduce the risk of spreading the virus and overwhelming the health care system, WHO is recommending employers quarantine or order to work remotely all employees vulnerable to infection, without waiting for a doctor’s note stating that the worker has COVID-19.

Conversely, upon returning from quarantine, the worker may be required to provide a medical certificate attesting he/she is not a carrier of the virus.
If a co-worker returns from travelling to a trip or has been in contact with an infected person:

- **Should I inform my manager, if they are not already aware of the situation?**

  An employee returning from a trip or who has been in contact with an infected person is likely to contract the virus. This represents a risk to co-workers.

  According to section 49 of the Quebec Act Respecting Occupational Health and Safety, workers must “participate in the identification and elimination of risks of work accidents or occupational diseases” at their workplace. In this scenario, they should therefore inform their supervisor of the risk in question.

  For federal civil servants or those working for federally regulated organizations, section 126 of the Canada Labour Code states that an employer “must report to the employer any situation that the employee believes to be a contravention of this Part by the employer, another employee or any other person.”

- **Can I exercise my right to refuse to work with this co-worker? If so, will I still be paid?**

  The right to refuse to work is outlined in sections 12 through 31 of the Quebec Act Respecting Occupational Health and Safety and in section 128 of the Canada Labour Code. To exercise this right, an employee must have reasonable grounds to believe their health is in danger.

  This is the case if a co-worker returns from travelling and has not self-isolated at home for the required period, considering that since s/he would be in violation of the Quarantine Act.

  Otherwise, as things currently stand, it would be difficult to prove the presence of a genuine threat. The Canada Labour Code and the Quebec Act Respecting Occupational Health and Safety both contain a procedure on how to assess a potential hazard.

  If, after evaluation, the right to refuse to work is considered justified, the employee will be entitled to their regular pay. The employer may not penalize or dismiss the employee.
IF MY EMPLOYER ASKS ME TO TRAVEL, CAN I REFUSE?

The federal government and the Public Health Agency of Canada recommend that travellers avoid all trips outside Canada, until further notice.

See the Travel Advisory on the government of Canada website for recommendations on the health and safety of travellers.
7 WHAT SHOULD I DO IF A MEMBER OF MY FAMILY IS REQUIRED TO SELF-ISOLATE?

The Act Respecting Labour Standards grants two paid days for various family reasons and up to 10 business days without pay to see to a relative’s health (section 79.7).

“Relative” can refer to, in addition to an employee’s spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee’s spouse as well as those persons’ spouses, their children and their children’s spouses.

For federal civil servants or those working for federally regulated organizations, section 206 of the Canada Labour Code states that employees can have up to five days to take care of a family member.

For additional information on absences and leaves for family reasons, see the relevant provisions in the Quebec Act Respecting Labour Standards.
WILL I BE PAID IF MY EMPLOYER FORCES ME TO STAY HOME FOR PREVENTIVE REASONS WHEN I AM NOT SICK?

All decisions related to employee remuneration are at the employer’s discretion.

Workers who are self-isolating and able to work from home will be paid their salary.

For employees who are not able to work from home, it is a matter of what the employer’s policy stipulates for situations like these. Collective agreements and HR policies are your points of reference.

If you have short-term disability insurance through your employer, insurers have confirmed that this may be considered sick leave, but you should check this with your employer.

For employees who have been directed to self-isolate by a physician or a government authority and who are not able to work from home, the spokesperson for the Canadian Life and Health Insurance Association (CLHIA) stated on March 11 that they would potentially be entitled to short-term disability insurance benefits during the self-isolation period. They will also qualify for the Canadian Emergency Recovery Benefit (CERB).

Premier Legault confirmed in a press briefing on March 12 that provincial government employees would continue to be paid if required to self-isolate.

Moreover, to help Canadians who are affected by or because of COVID-19, the federal government has waived the one-week waiting period for EI sickness benefits for new beneficiaries forced to self-isolate so that this first week is paid (55% of insurable earnings) and will prioritize applications from people in self-isolation.
March 25, 2020, Canadian Prime Minister Justin Trudeau announced the announcement of the Canadian Emergency Response Benefit (CERB).

The CERB is a taxable $2000 benefit paid every four weeks for up to 16 weeks.

The CERB would cover Canadians:

- who have lost their job, are sick, quarantined,
- who are taking care of someone who is sick with COVID-19,
- working parents who must stay home without pay to care for children who are sick or at home because of school and daycare closures.

The CERB would apply to wage earners, as well as contract workers and self-employed individuals who would not otherwise be eligible for Employment Insurance (EI).

Workers who are still employed, but are not receiving income because of disruptions to their work situation due to COVID-19, would also qualify for the CERB.

CERB applications open since April 6, should be done by birth month using the online portal.

- The Canada Child Benefit will be increased by about $550 on average for families for the year 2019-2020. These families will receive approximately $300 more per child in the May payment.
- In early May, the Canadian government plans to make a special payment to low- and modest-income families through the Goods and Services Tax Credit to increase the incomes of single people by an average of nearly $400 (close to $600 for couples).
- In addition, student loan repayments may be extended by six months, without interest.
For Quebec workers who are not eligible for federal financial assistance, the Quebec government created the Temporary Worker Assistance Program (PATT COVID-19).

This program, administered by the Canadian Red Cross, provides eligible applicants with $573 per week for a period of 14 days of isolation that can be extended to a maximum of 28 days.

The PATT COVID-19 is compatible with the federal government’s Canadian Emergency Recovery Benefit (CERB). Those already registered with the PATT COVID-19 will also be able to apply for the CERB. However, it is not yet clear whether they will be able to receive both benefits at once. Governments will provide more details on this issue shortly.

On April 3rd, 2020, the Quebec government announced new financial assistance for essential workers during the pandemic period to compensate for the difference between their salary and the $2,000 lump sum offered by the CERB.

For full details of this Essential Worker Retention Incentive Program (PIRTE), click here.
HELPFUL RESOURCES AND REFERENCES FOR SMBS

GOVERNMENT SITES

MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX
Self-Care Guide - COVID-19

PUBLIC HEALTH AGENCY OF CANADA
Coronavirus disease (COVID-19) : Outbreak update

WORLD HEALTH ORGANIZATION (WHO)
Coronavirus disease (COVID-2019) situation reports

GOUVERNEMENT DU QUÉBEC
Coronavirus 2019 - Information to the population

ALLIANCE DES COMMUNAUTÉS CULTURELLES POUR L’ÉGALITÉ DE LA SANTÉ ET LES SERVICES SOCIAUX
Informations multilingues sur le coronavirus – COVID-19 (in French)

INSTITUT NATIONAL DE SANTÉ PUBLIQUE DU QUÉBEC
Actualités en santé pour les voyageurs
COVID-19 : Mesures de prévention en milieu de travail : recommandations intérimaires (in French)

COMMISSION DES NORMES, DE L’ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL (CNESST)
Questions et réponses – COVID-19 (in French)
Mesures d’assouplissement de la CNESt pour les employeurs et les travailleurs dans le contexte de la COVID-19 (in French)

RESOURCES FOR BUSINESSES AND ENTREPRENEURS

MULTIPLE-LANGUAGE SUPPORT SERVICES (200 LANGUAGES)
211.qc.ca - Community and Social Resources

CANADIAN PAYROLL ASSOCIATION
Payroll and COVID-19 : Questions and answers fromt the payroll infoline

FÉDÉRATION CANADIENNE DE L’ENTREPRISE INDÉPENDANTE, LA (FCEI)
Coronavirus (COVID-19): des conseils pour assurer la sécurité de vos employés et de votre entreprise (in French)

FÉDÉRATION DES CHAMBRES DE COMMERCE DU QUÉBEC (FCCQ)
Guide de bonnes pratiques en situation de risque socio-sanitaire (in French)

CANADIAN CHAMBER OF COMMERCE
Pandemic Preparedness for Business

ALLIANCE DES CABINETS DE RELATIONS PUBLIQUES DU QUÉBEC
Coronavirus : conseils de communication aux OBNL et aux PME (in French)

ASSOCIATION PARITAIRE POUR LA SANTÉ ET LA SÉCURITÉ DU TRAVAIL, SECTEUR « AFFAIRES MUNICIPALES »
COVID-19 (Coronavirus) : informations destinées aux employés municipaux

MINISTÈRE DE L’ÉCONOMIE ET DE L’INNOVATION
Guide de gestion de la continuité des activités pour les petites et les moyennes entreprises québécoises (in French)

BUSINESS DEVELOPMENT BANK OF CANADA (BDC)
Support for entrepreneurs impacted by the coronavirus COVID-19

THE CONFERENCE BOARD OF CANADA
COVID-19 - Implications for Canada and the economic impact
OTHER PROFESSIONAL ORDER RECOMMENDATIONS

ORDRE DES CPA
Coronavirus (COVID-19) (in French)

ORDRE DES PSYCHOLOGUES
Coronavirus (COVID-19): conseils psychologiques et informations au grand public (in French)

ORDRE DES DENTISTES DU QUÉBEC
Coronavirus - COVID 19 (in French)

ORDRE DES PHARMACIENS DU QUÉBEC
Coronavirus (COVID-19) - Renseignements importants (in French)

ORDRE DES HYGIÉNIstES DENTAIRES
Coronavirus (COVID-19): informations aux membres (in French)

ORDRE DES OPTOMÉTRISTES
Coronavirus (COVID-19): Informations importantes (in French)

LEGAL RESOURCES AND ADVICE

BCF
COVID-19: Solutions to deal with this situation

FASKEN
The Novel Coronavirus: Preparing Employers to Respond

OLSER
Managing the coronavirus (COVID-19) for employers

BLAKES
Coronavirus: A Primer on Best Practices in the Workplace

NORTON ROSE FULBRIGHT
COVID-19: Update and status report for Quebec employers

LANGLOIS-LAWYERS
Coronavirus: an important update

DELOITTE
COVID-19: Practical workforce strategies that put your people first

DOWNLOADABLE PUBLICATIONS, SIGNS, VISUALS AND BROCHURES ON THE CORONAVIRUS

GUIDE
Self-Care Guide - COVID-19

PSYCHOSOCIAL SHEET
Mon enfant est inquiet en raison de la pandémie. Comment le soutenir? (in French)

LEAFLET
Recommandations pour les femmes enceintes et les parents d’enfants de 0 à 17 ans - Coronavirus (COVID-19) (in French)

POSTER
Decision assistant in case of symptoms – Coronavirus (COVID-19)

PSYCHOSOCIAL SHEET
Stress, anxiété et déprime associés à la maladie à coronavirus COVID-19 (in French)

PAMPHLET
Coronavirus COVID-19: Instructions for home isolation - Person under investigation

INFOGRAPHIC
Know the Difference: Self-monitoring, self-isolation, and isolation for COVID-19