

## Questions and Answers for Managers and Human Resources

### 'Other Leave With Pay (699)'

We are moving towards a state where COVID-19 needs to be managed as part of our ongoing operations and the continued delivery of key programs and services to Canadians. It is important for departments and managers to connect with employees who have been unable to work to reassess their ability to return to work (working remotely, reporting to the worksite, reassigning duties, or considering an assignment where applicable). Managers should be prepared to communicate equally and frequently with all employees about the evolving situation, and work with employees to consider arrangements that would allow them to return to work.

Managers should be aware of how changes in guidance around the use of 'Other Leave With Pay (699)' and on a general, overall work perspective, may impact employees' psychological health and feelings of safety. Managers should express care and empathy when having these conversations with their employees. It is important for both managers and employees to be aware of and utilize the various support systems in their organizations, such as the Employee Assistance Program.

**Note:** Requests for 'Other Leave With Pay (699)' must be examined on a case-by-case basis. The guidance on 'Other Leave With Pay (699)' posted on the Employee illness and leave page on [Canada.ca](https://www.canada.ca), as updated on October 22, 2020 and all subsequent updates, shall prevail should any questions of interpretation or potential inconsistency arise. Managers should have discussions with employees on their specific circumstances, consult the evergreen guidance on the [Canada.ca](https://www.canada.ca) site and their departmental Labour Relations units to determine how to address specific requests from employees. Leave provisions must be provided in accordance with the applicable collective agreement, or terms and conditions of employment. Terms and conditions related to leave vary depending on the collective agreements.

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## **TECHNOLOGICAL / WORK LIMITATIONS**

- 1. An employee cannot work remotely because of technological limitations or because their work cannot be done remotely and in-person attendance is restricted, what measures should be extended to this employee?**

Managers should attempt to find alternate work for the employee with work limitations that could be done remotely, where possible.

'Other Leave With Pay (699)' can continue to be applied in situations where employees are not equipped to work remotely and in-person attendance is restricted, although with increased network capacity and departmental resumption plans in development, we expect the use of this leave for these purposes will diminish over the coming weeks and months.

## **CAREGIVING RESPONSIBILITIES**

- 2. Local schools are open, but in-person attendance is optional. An employee informs their manager that they will not be sending their children to school, and as such will require leave to provide childcare. What approach should the manager take and what type of leave is the employee eligible for?**

- A. Children are not attending school in-person as a matter of preference (in cases where children are NOT at high risk of developing severe symptoms due to COVID-19, or NOT living with someone who is at high risk):**

Since schools have reopened, we expect that employees who could not work due to childcare obligations - when schools and daycares were closed because of the COVID-19 pandemic - will be able to resume their duties. If the employee elects not to send their children in-person to school as a matter of personal preference, 'Other Leave With Pay (699)' would not be available. The manager and employee should explore flexible working arrangements (e.g. remote work, alternate or flexible hours) and the various leave options available.

The employee may use their paid leave credits, such as family-related or vacation leave, where applicable, after the employee has scheduled leave to cover what they would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).

If the employee is requesting full-time leave, most collective agreements provide for extended periods of leave without pay for employees to provide family care; if applicable, the employee may be granted leave without pay. The employee may also want to consider leave with income averaging.

The Canada Recovery Caregiving Benefit may also be applicable in this scenario.

The Canada Recovery Caregiving Benefit will help those who need to stay home to care for a child under the age of 12, a family member with a disability, or a dependent because schools, daycares or other facilities are closed due to the pandemic, or because a medical practitioner has deemed them to be at

high-risk of severe illness from COVID-19. This benefit would provide \$500 per week, for up to 26 weeks per household.

Public servants may be eligible for this benefit, but they cannot be on paid leave when they apply for it. The manager should direct the employee to the Employment and Social Development Canada's [website](#) for information on eligibility.

Managers must use their discretion and this discretion must not be exercised in an arbitrary or discriminatory fashion or in bad faith. Combined with what has been mentioned above, managers should consider the specific circumstances of the employee when deciding when to grant 'Other Leave With Pay (699)'. Individual circumstances such as being a single parent, having special need dependents, or other factors that may disproportionately disadvantage an employee when compared to other populations in the federal public service must be considered.

**B. Children are not attending to school because they are at high risk of developing severe symptoms due to COVID-19, or they live with someone who is at high risk:**

If an employee's child is not returning to school because they are at high risk of developing severe symptoms due to COVID-19, or they live with someone who is at high risk, the manager should explore all options that will allow the employee to balance their work and childcare responsibilities. 'Other Leave With Pay (699)' may be available in this case after the following steps have been taken:

- all other avenues have been considered (e.g. alternate childcare arrangements/flexible work arrangements);
- leave options such as family-related or vacation leave have been used first, where applicable, after the employee has scheduled leave to cover what they would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned); and
- managers may ask the employee to provide documentation from a qualified medical practitioner regarding the health risks to the child for whom the employee has a duty of care, or a person they live with, is at high risk of developing severe symptoms due to COVID-19 given the level of risk in the community with respect to the level of COVID-19 infection.

Managers must use their discretion and this discretion must not be exercised in an arbitrary or discriminatory fashion or in bad faith. Combined with what has been mentioned above, managers should consider the specific circumstances of the employee when deciding when to grant 'Other Leave With Pay (699)'. Individual circumstances, such as being a single parent, having special need dependents, or other factors that may disproportionately disadvantage an employee when compared to other populations in the federal public service, must be considered.

**3. An employee has been on 'Other Leave With Pay (699)' for an extended period due to their inability to secure childcare, but the employee has unused paid leave credits (e.g. family-related responsibilities leave). Is the employee able to continue to use 'Other Leave With Pay (699)' after November 9<sup>nd</sup>?**

After November 9, 2020, employees will be required to draw down on their paid leave credits such as family-related or vacation leave, where applicable, after the employee has scheduled leave to cover

what they would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).

The manager and employee should explore flexible working arrangements (e.g. remote work, flexible hours). If the employee is requesting full-time leave, most collective agreements provide for extended periods of leave without pay for employees to provide family care; if applicable, the employee may be granted leave without pay.

Managers must use their discretion and this discretion must not be exercised in an arbitrary or discriminatory fashion or in bad faith. Combined with what has been mentioned above, managers should consider the specific circumstances of the employee when deciding when to grant 'Other Leave With Pay (699)'. Individual circumstances, such as being a single parent, having special need dependents, or other factors that may disproportionately disadvantage an employee when compared to other populations in the federal public service, must be considered.

- 4. An employee informed their manager that they cannot secure a spot in school for their child at this time and will require leave full-time (37.5 hours/week) for the foreseeable future. The manager is aware that local schools will be open for in-class learning 2 to 3 days a week. Furthermore, other employees that the manager supervises have been able to secure childcare for their children. What approach should the manager take?**

The manager should discuss the employee's childcare needs with the employee to understand their leave requirements. If possible, flexible working arrangements (e.g. remote work, alternate or flexible hours) should be developed to allow the employee to perform some work.

After November 9, 2020, employees will be required to draw down on their paid leave credits such as family-related or vacation leave, where applicable, after the employee has scheduled leave to cover what they would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).

If the employee requires full-time leave, the manager should discuss the available provisions in the collective agreement, or relevant terms and conditions of employment such as leave without pay for care of family or leave without pay for personal needs. Other options could also be considered such as Leave with Income Averaging.

Managers must use their discretion and this discretion must not be exercised in an arbitrary or discriminatory fashion or in bad faith. Combined with what has been mentioned above, managers should consider the specific circumstances of the employee when deciding when to grant 'Other Leave With Pay (699)'. Individual circumstances, such as being a single parent, having special need dependents, or other factors that may disproportionately disadvantage an employee when compared to other populations in the federal public service, must be considered.

**5. An employee informed their manager that they cannot secure before and afterschool childcare at this time and, as a result, will only be available to work between the hours of 9:00AM and 3:00PM. The employee is requesting 7.5 hours of leave a week, spread over five days. What approach should the manager take?**

The manager should discuss the employee's childcare needs with the employee. If possible, flexible working arrangements (e.g. remote work, flexible hours) should be considered to allow the employee to perform their full work hours.

After November 9, 2020, employees will be required to draw down on their paid leave credits, such as family-related or vacation leave, where applicable, after the employee has scheduled leave to cover what they would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).

The manager may request documentation from the employee demonstrating their efforts to obtain childcare. In some instances, an attestation may be enough (e.g. the manager knows that there are issues finding childcare).

This arrangement should be reviewed with the employee on a regular basis. The employee must continue to make efforts to secure a suitable childcare arrangement when possible.

Managers must use their discretion and this discretion must not be exercised in an arbitrary or discriminatory fashion or in bad faith. Combined with what has been mentioned above, managers should consider the specific circumstances of the employee when deciding when to grant 'Other Leave With Pay (699)'. Individual circumstances, such as being a single parent, having special need dependents, or other factors that may disproportionately disadvantage an employee when compared to other populations in the federal public service, must be considered.

**6. An employee used 'Other Leave With Pay (699)' leave throughout the summer for childcare purposes but has stopped requesting leave. The employee is working remotely, and their performance has deteriorated. They are missing deadlines, rarely attending meetings and, when in attendance, appears distracted. The manager is aware that the employee has young children. What approach should the manager take?**

The manager should consult with the Labour Relations Advisor prior to having a discussion with the employee to find out why their performance may have decreased and discuss any observed deterioration in their well-being. If it is related to childcare, the manager should discuss the employee's childcare needs with the employee as well as observations about their performance and explore how the employee can be supported. If possible, flexible working arrangements (e.g. remote work, flexible hours) should be developed to allow the employee to perform their work in light of their childcare needs. If appropriate, the manager should also ensure that the employee is aware of mental health supports available departmentally (e.g. [Employee Assistance Program](#)) and government-wide (e.g., [Mental Health and COVID-19 for Public Servants hub](#)).

Should the employee not be able to complete their full work hours, leave options should be explored. If the childcare obligations are not related to a preference the employee has made to keep their children home, 'Other Leave With Pay (699)' may be available. The employee should first draw down on their



remaining paid leave credits, such as family-related or vacation leave, where applicable, after the employee has scheduled leave to cover what they would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).

The manager may request documentation from the employee demonstrating their efforts to obtain childcare. In some instances, an attestation may be sufficient. This arrangement must be reviewed with the employee on a regular basis (weekly). The employee must continue to make efforts to secure a suitable childcare arrangement.

Managers must use their discretion and this discretion must not be exercised in an arbitrary or discriminatory fashion or in bad faith. Combined with what has been mentioned above, managers should consider the specific circumstances of the employee when deciding when to grant 'Other Leave With Pay (699)'. Individual circumstances, such as being a single parent, having special need dependents, or other factors that may disproportionately disadvantage an employee when compared to other populations in the federal public service, must be considered.

- 7. An employee has been working remotely since March, but their office is now open, and some employees are returning to normal work locations and hours. The employee requests permission to continue working remotely, as it allows for the supervision of their children, which they have been doing throughout the summer. The manager has not noticed any change in the employee's performance since they began working remotely. What approach should the manager take?**

The employee's request should be considered. Where operational requirements permit, the employee should be allowed to continue to work remotely. The manager and employee should consult the [Directive on Telework](#) and establish a telework arrangement. Moving forward, the employee would be working remotely based on their request to do so.

Managers should consult their Labour Relations advisors for advice on how to handle each situation.

- 8. An employee informs their manager that their child is required to self-isolate or is diagnosed with COVID-19, or that they have unexpectedly lost their caregiving arrangements. What measures should be extended to the employee?**

If an employee's child is not returning to daycare/school because they are required to self-isolate or are diagnosed with COVID-19, or if the employee has unexpectedly lost their caregiving arrangements, the manager should explore all options that will allow the employee to balance their work and childcare responsibilities (e.g. flexible working arrangements such as alternate or flexible hours).

Should the employee not be able to complete their full work hours, leave options should be explored. The employee should first draw down on their remaining paid leave credits, such as family-related or vacation leave, where applicable, after the employee has scheduled leave to cover what they would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).

In situations where an employee has unexpectedly lost their caregiving arrangements, the manager may request documentation from the employee demonstrating their efforts to obtain childcare. In some instances, an attestation may be sufficient (e.g. the manager is aware that there are difficulties in finding childcare). This arrangement must be reviewed with the employee on a regular basis. The employee must continue to make efforts to secure a suitable childcare arrangement.

Managers must use their discretion and this discretion must not be exercised in an arbitrary or discriminatory fashion or in bad faith. Combined with what has been mentioned above, managers should consider the specific circumstances of the employee when deciding when to grant 'Other Leave With Pay (699)'. Individual circumstances, such as being a single parent, having special need dependents, or other factors that may disproportionately disadvantage an employee when compared to other populations in the federal public service, must be considered.

**9. An employee wants to know if the Canada Recovery Caregiving Benefit will help with caregiving responsibilities.**

The Canada Recovery Caregiving Benefit will help those who need to stay home to care for a child under the age of 12, a family member with a disability, or a dependent because schools, daycares or other facilities are closed due to the pandemic, or because a medical practitioner has deemed them to be at high-risk of severe illness from COVID-19. This benefit would provide \$500 per week, for up to 26 weeks per household.

Public servants may be eligible for this benefit, but they cannot be on paid leave when they apply for it. The manager should direct the employee to the Employment and Social Development Canada's [website](#) for information on eligibility.

**ISOLATION REQUIREMENT**

**10. An employee requests 'Other Leave With Pay (699)' stating that they have been experiencing COVID-19 related symptoms. The employee does not say whether they have taken a test for the virus. Can a manager request the employee take a test and/or the result of any tests the employee takes?**

As per the public health advice, employees experiencing COVID-19 related symptoms should not report to work and the manager should tell the employee not to report to a work site and to consult their public health authority to find out if they should be tested. If the employee is experiencing symptoms, they may be required by their public health authority to self-isolate and get tested for COVID-19. 'Other Leave With Pay (699)' may be provided for the time it takes to get tested.

If the employee cannot work remotely, they may be eligible for 'Other Leave With Pay (699)' while they self-isolate in accordance with public health authority advice.

If the employee has been diagnosed with COVID-19, and the employee is well enough to continue working and can do so remotely, the employee may be accommodated through remote work until they are no longer infectious, in accordance with public health advice. However, if the employee has been diagnosed with COVID-19 and is unable to work remotely, they are required to use their sick leave credits as they would have for illnesses prior to the pandemic. Should the employee not have sufficient

sick leave credits, the employee will then be eligible for 'Other Leave With Pay (699)' until they are no longer infectious (please refer to the "Note" section in Question 14). If they are still sick after the infectious period, 'Other Leave With Pay (699)' would no longer be available.

Employees who are still too sick to work after the infectious period and do not have sick leave credits available could apply for the Canada Recovery Sickness Benefit (see Question 16), Employment Insurance (EI) sickness benefits, or Disability Insurance (DI) Plan/ Long-term Disability Plan (LTD).

**11. An employee is required to self-isolate in accordance with public health authority advice. Can they access 'Other Leave With Pay (699)'?**

If the employee is required to self-isolate in accordance with public health authority advice, the employee may be eligible for 'Other Leave With Pay (699)' for the time it takes to get tested.

If the employee is well enough to continue working and can do so remotely, the employee may be accommodated through remote work. However, if the employee is unable to work remotely, they may be eligible for 'Other Leave With Pay (699)' while they self-isolate in accordance with public health authority advice.

If the employee is being tested because of personal preference, or if the employee has travelled against public health advice and Global Affairs Canada travel advisories and was required to self-isolate, 'Other Leave With Pay (699)' would not be available. If the test confirms they have COVID-19 and they are unable to work remotely, they are required to use their sick leave credits. For employees who travelled against public health advice and Global Affairs Canada travel advisories, should the employee not have sufficient sick leave credits, they would not be eligible for 'Other Leave With Pay (699)'.

**12. A member of the employee's household tested positive for COVID-19 or is exhibiting symptoms associated with COVID-19. The employee has no symptoms and has not been tested. The employee requests leave. What, if any, type of leave should be provided?**

If the employee is required to self-isolate because a member of their household tested positive for COVID-19 or is exhibiting symptoms associated with COVID-19, and the employee is well enough to continue working and can do so remotely, the employee may be accommodated through remote work. However, if the employee is unable to work remotely, they could be granted 'Other Leave With Pay (699)' and would be required to get tested as soon as possible and in accordance with public health advice.

If the test confirmed they have COVID-19 and they are unable to work remotely, they are required to use their sick leave credits. Should the employee not have sufficient sick leave credits, the employee will then be eligible for 'Other Leave With Pay (699)' until they are no longer infectious.

**13. An employee reports to work. The employee is exhibiting symptoms associated with COVID-19 (e.g. a fever). What approach should the manager take?**

If the employee is exhibiting symptoms associated with COVID-19, the employee should be sent home immediately, avoiding the use of public transportation. The employee should follow the advice of the local public health authorities regarding COVID-19 testing and self-isolation measures.

If the employee was in the workplace and it is confirmed by a health care provider that the employee tested positive for COVID-19, under the Canada Labour Code, this would constitute a workplace hazard. As such, the employee has a duty to report this hazard to management. This information helps the Employer determine a time period when the employee was in the workplace before self-isolation and if other employees may have been exposed.

If the employee is well enough to continue working and can do so remotely, the employee may be accommodated through remote work. However, if the employee is unable to work remotely, they may be eligible for 'Other Leave With Pay (699)' while they self-isolate in accordance with public health authority advice while they are waiting results from their COVID-19 test.

If the employee is diagnosed with COVID-19, and the employee is well enough to continue working and can do so remotely, the employee may be accommodated through remote work. However, if the employee is diagnosed with COVID-19 and is unable to work remotely, they are required to use their sick leave credits as they would have for illnesses prior to the pandemic. Should the employee not have sufficient sick leave credits, the employee will then be eligible for 'Other Leave With Pay (699)' until they are no longer infectious (please refer to the "Note" section in Question 14).

If the employee refuses to get tested but is well enough to continue working and can do so remotely, the employee may be accommodated through remote work, to be reassessed once the employee would be deemed to no longer be infectious in accordance with public health advice. However, if the employee is experiencing COVID-19 symptoms and is unable to work remotely, they would be required to self-isolate in accordance with public health authority advice. 'Other Leave With Pay (699)' may be available while the employee self-isolates in accordance with this advice.

The employee would need to remain out of the workplace until they are no longer infectious, in accordance with public health advice. Managers should consult their departmental Labour Relations and Human Resources if they are concerned others in the workplace may have come in contact with this employee.

Please refer to the following information developed by Health Canada for federal public servants [when an employee is sick at the workplace](#).

## **COVID-19 INFECTION**

### **14. An employee tested positive for COVID-19. Can they access 'Other Leave With Pay (699)'?**

If the employee is well enough to continue working and can do so remotely, the employee may be accommodated through remote work. However, if the employee is unable to work remotely, they are required to use their sick leave credits as they would have for illnesses prior to the pandemic. Should the employee not have sufficient sick leave credits, the employee will then be eligible for 'Other Leave With Pay (699)' until they are no longer infectious. If they are still sick after the infectious period, 'Other Leave With Pay (699)' would no longer be available.

Note: Not having sufficient sick leave credits generally means that the employee's sick leave bank will be at zero credits, or is already in a negative sick leave balance, prior to the end of the infectious period. In these cases, employees who have been diagnosed with COVID-19 would be eligible for 'Other Leave

With Pay (699)' for the period they are infectious once their balance of sick leave credits is depleted but before any new advancement of credits. Employees who are already in a negative sick leave credit situation would not be required to further go into a negative sick leave balance.

**15. An employee tested positive for COVID-19 and went on 'Other Leave With Pay (699)' as of September 24<sup>th</sup>. Can they continue to stay on 'Other Leave With Pay (699)' after the clarified guidance comes into force on November 9, 2020?**

When the clarified guidance comes into force on November 9, 2020, if the employee has been diagnosed with COVID-19 and is unable to work remotely, they will be required to use their sick leave credits. Should the employee not have sufficient sick leave credits, the employee will then be eligible for 'Other Leave With Pay (699)' until they are no longer infectious (please refer to the "Note" section in Question 14). If they are still sick after the infectious period, 'Other Leave With Pay (699)' would no longer be available. It is expected that an employee who was diagnosed on September 24, 2020 would no longer be infectious with COVID-19 by the time the clarified guidance comes into effect on November 9, 2020.

**16. An employee wants to know if they could be eligible for the Canada Recovery Sickness Benefit.**

The Canada Recovery Sickness Benefit will provide limited paid sick leave to make it easier for eligible Canadians to stay home from work when they are sick or have to self-isolate due to COVID-19. This benefit would provide \$500 per week, for up to two weeks.

Public servants may be eligible for this benefit but they cannot be on paid leave when they request this benefit. The manager should direct the employee to the Employment and Social Development Canada's [website](#) for information on eligibility.

**RETURN TO WORK**

**17. An employee has been working remotely since March 2020, but their office is now open, and most employees are returning to normal work locations and hours. The employee would like to continue working from home as a matter of personal preference. What approach should the manager take?**

The manager should consult the [Directive on Telework](#). Where possible, telework requests may be approved. Moving forward, the employee would be working remotely based on their request to do so. A formal telework agreement would be required in this case.

**18. An employee has been working remotely since March 2020, but their office is now open, and some employees are returning to normal work locations and hours. The employee refuses to return to the workplace, stating that they have a medical condition that puts them at a higher risk of developing severe COVID-19 symptoms should they contract COVID-19. What approach should the manager take?**

The manager should first determine if the work can continue to be completed from home, if that is the case a telework agreement could be put in place to allow the employee to continue working from home based on their request to do so. If continuing to work from home is no longer feasible, the manager should request documentation from a qualified medical practitioner attesting that the employee is at high risk of developing severe symptoms due to COVID-19 given the level of risk in the community with respect to the level of COVID-19 infection.

If the medical note confirms the employee should not return to the workplace, the manager should determine if alternate work can be provided to the employee.

There may be cases where the employee is having difficulty obtaining a medical note due to limited access to their medical practitioner. The employee should inform their manager if this is the case and provide information on the efforts that have been undertaken to obtain this information. If the manager is satisfied that the employee has made every reasonable attempt to obtain this information, the manager will need to determine if they could be satisfied with an attestation from the employee that they are high-risk or whether they need to be sent for a Health Canada medical assessment.

Employees at high-risk who are unable to work remotely could continue to be eligible in situations where there is substantiated risk to the high-risk individual's health that cannot be mitigated through:

- protective measures at the employee's worksite;
- actions by employee to mitigate risks to themselves or individuals for whom the employee has a duty of care.
- leave options such as vacation leave have been used first, where applicable, after the employee has scheduled leave to cover what they would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).

Managers must use their discretion and this discretion must not be exercised in an arbitrary or discriminatory fashion or in bad faith.

**19. An employee has been on extended 'Other Leave With Pay (699)' since March 2020 because the employee's workplace closed, and the nature of the work was such that it could not be performed remotely. The workplace is now open, and employees are returning to normal work locations and hours. The employee refuses to return to the workplace, stating that they have a medical condition that puts them at a higher risk of suffering serious consequences should they contract COVID-19. The employee refuses to obtain medical documentation and will not discuss possible alternatives to 'Other Leave With Pay (699)' insisting this is the only acceptable accommodation. What should the manager do?**

Managers in such a situation must consult with departmental labour relations staff as to the best approach. A manager cannot determine if an employee is eligible for 'Other Leave With Pay (699)' if they do not have all of the information.

As stated in the [Directive on the Duty to Accommodate](#), employees also have responsibilities in the accommodation process. The requirements in the Directive state, that:

- Employees are responsible for providing their manager with the information necessary to identify appropriate accommodation, including information on relevant limitations and restrictions.
- Employees must cooperate and collaborate in good faith with their organization's representative(s) to find one or more means to accommodate such needs, taking into consideration issues of health, safety and cost.

If required, the manager may request the individual's consent prior to seeking additional information from a medical practitioner, as is the general practice in an accommodation process. If a manager has questions or needs advice on this process, they should contact the duty to accommodate specialists within their departmental Human Resources/Labour Relations section.

In cases where the employee cannot perform their work remotely, the manager will need to determine if there is other work that could be provided to them that could be done remotely. If that is the case a telework agreement could be put in place to allow the employee to continue working from home based on their request to do so.

If requested, medical documentation should come from a qualified medical practitioner and attest that the employee is at high risk of developing severe symptoms due to COVID-19 given the level of risk in the community with respect to the level of COVID-19 infection. There may be cases where the employee is having difficulty obtaining a medical note due to limited access to their medical practitioner. The employee should inform their manager if this is the case and provide information on the efforts that have been undertaken to obtain this information. If the manager is satisfied that the employee has made every reasonable attempt to obtain this information, the manager will need to determine if they could be satisfied with an attestation from the employee that they are high-risk or whether they need to be sent for a Health Canada medical assessment.

Employees at high-risk who are unable to work remotely could continue to be eligible in situations where there is substantiated risk to the high-risk individual's health that cannot be mitigated through:

- protective measures at the employee's worksite;

- actions by employee to mitigate risks to themselves or individuals for whom the employee has a duty of care.
- leave options such as vacation leave have been used first, where applicable, after the employee has scheduled leave to cover what they would typically take as vacation during the year (note: the intent is to ensure the employees take all their vacation leave during the vacation year in which it is earned).

The manager should review the employee's situation on a periodic basis to determine if anything has changed such as options around remote work or alternate work arrangements, or if the level of risk in the community with respect to the level of COVID-19 infection has changed such that a new medical note may be required.

**20. A manager has requested that an employee seek confirmation from a qualified medical practitioner that the employee, or the person for whom they have a duty of care, is at high risk of severe symptoms from COVID-19. The employee has since indicated they are experiencing delays obtaining this information. What are the next steps?**

Managers must be aware that it is possible that employees may experience delays in obtaining a medical note from their medical practitioner given current demands on the health care system as a result of the pandemic. When the manager requests a confirmation and/or additional information, they should inform the employee that if they experience difficulties/delays in obtaining this, the employee should immediately advise them in order to discuss their situation. The manager must be satisfied that the employee is making a reasonable effort to obtain this information as quickly as possible. 'Other Leave With Pay (699)' may be available while they are waiting for this information.

As stated in the [Directive on the Duty to Accommodate](#), employees also have responsibilities in the accommodation process. The requirements in the Directive state, that:

- Employees are responsible for providing their manager with the information necessary to identify appropriate accommodation, including information on relevant limitations and restrictions.
- Employees must cooperate and collaborate in good faith with their organization's representative(s) to find one or more means to accommodate such needs, taking into consideration issues of health, safety and cost.

If required, the manager may request the individual's consent prior to seeking additional information from a medical practitioner, as is the general practice in an accommodation process. If a manager has questions or needs advice on this process, they should contact the duty to accommodate specialists within their departmental Human Resources/Labour Relations section.



## **MENTAL HEALTH AND WELLBEING**

**21. According to the National Standard on Psychological Health and Safety in the Workplace (the Standard), significant changes to work procedures can affect psychological health and safety. As such, it is important to analyze changes to 'Other Leave With Pay (699)', leave code 699, guidance with a psychological health and safety lens. This is important not only from an ethical but also a policy (policies for people management) and legal (Canada Labour Code, Part II) standpoint.**

According to the Standard, when factors within the workplace that influence an employee's perception of psychological health and safety are not addressed effectively, there will be increased risks of psychological hazards taking place, and thus of psychological harm occurring.

The risks related to these [psychosocial factors](#) in the context of reduced access to 'Other Leave With Pay (699)' are that:

- employees may perceive that they are not being supported by the organization when it comes to personal or family issues;
- employees may perceive that the organization is not committed to their psychological health and safety, or to providing proper support;
- employees may feel their concerns with regards to the organization of work are no longer being considered to the same extent;
- employees may perceive that the organization is not supporting work-life balance;
- employees may perceive that the organization is not taking all necessary steps to minimize threats to workers' mental health;
- employees may perceive that the organization does not care, or cares to a lesser extent, about their physical and psychological safety; and
- employees may become concerned, stressed or anxious with respect to their physical work environment.

**22. An employee has been calling in sick frequently and the manager is noticing that they are less punctual than usual and stop working early. The employee expresses that they are feeling stressed and anxious about the COVID-19 pandemic and is now asking for 'Other Leave With Pay (699)' What should the manager do?**

The manager should discuss the situation with the employee. The manager should provide them with information on accessing mental health supports available departmentally (e.g. [Employee Assistance Program](#)) and government-wide (e.g., [Mental Health and COVID-19 for Public Servants hub](#)). If the manager feels they need additional guidance to support this employee, they should consider seeking advice from any or all the following resources:

- organization's Employee Assistance Program,
- mental health unit,
- labour relations unit, and/or
- consulting the Additional Resources on mental health below.

If the employee is not well enough to work, they would use their sick leave credits. In accordance with the provisions of the collective agreement or relevant terms and conditions of employment, the manager may ask the employee to provide documentation to satisfy this requirement.

**23. An employee's performance has deteriorated since March 2020. What can the manager do?**

Ongoing performance discussions are even more critical in the current context to ensure employees have a clear understanding of their expectations and their team's priorities.

- The manager should review the employee's performance agreement to ensure the work objectives are up to date and reflect the current circumstances.
- The manager should book a meeting with the employee to discuss the employee's performance using the performance agreement as a reference.
- The discussion should cover whether or not the employee has a clear understanding of their performance objectives and duties and if they have the appropriate tools to complete their work remotely and what additional support, they may need to meet their performance objectives.
- Following the discussion, it may be appropriate to amend the performance agreement, provide additional equipment for remote work or provide additional support to the employee.

**24. An employee's behaviour has changed since the onset of the pandemic in March 2020. What can the manager do?**

If the employee discloses that they are stressed or feeling anxious about their own health, the health of loved ones around them, the manager should provide them with information on accessing mental health supports available departmentally (e.g. [Employee Assistance Program](#)) and government-wide (e.g., [Mental Health and COVID-19 for Public Servants hub](#)). If the manager feels they need additional guidance to support this employee, they should consider seeking advice from their organization's Employee Assistance Program, mental health unit or labour relations unit, or consulting the Additional Resources on mental health below.

If the employee is not well enough to work, they would use their sick leave credits. In accordance with the provisions of the collective agreement or relevant terms and conditions of employment, the manager may ask the employee to provide documentation to satisfy this requirement.

Ongoing discussions regarding the employee's performance may be needed until the situation improves. Managers should consult departmental and OCHRO resources and when needed their human resources officials for more information on performance management discussions and processes.

**25. An employee who works onsite has been diagnosed with COVID-19. The other employees at the worksite are feeling stressed and worried about their own health and the possibility of contracting COVID-19. What should a manager do next?**

The manager must consult their human resources/labour relations contacts to ensure they are following the proper procedures if potential exposure in the workplace was possible. If employees exhibit symptoms or believe that they may have contracted COVID-19, they should get tested in accordance

with public health advice. Where appropriate, the manager may wish to consult the [Directive on Telework](#) if employees are able to work remotely and are well enough to do so.

The manager should provide their employees with information on accessing mental health supports available departmentally (e.g. [Employee Assistance Program](#)) and government-wide (e.g., [Mental Health and COVID-19 for Public Servants hub](#)). If the manager feels they need additional guidance to support this employee, they should consider seeking advice from their organization's Employee Assistance Program, mental health unit or labour relations unit, or consulting the Additional Resources on mental health below.

If an employee is not well enough to work, he would use his sick leave credits. In accordance with the provisions of the collective agreement or relevant terms and conditions of employment, the manager may ask the employee to provide documentation to satisfy this requirement.

### **ADDITIONAL RESOURCES**

- [Canada.ca Coronavirus disease \(COVID-19\) webpage](#): COVID-19 outbreak updates, announcements and other related resources.
- [Directive on the Duty to Accommodate](#): provides direction to managers and heads of HR on their obligations with respect to duty to accommodate, with the objective of developing an inclusive, barrier-free workplace in which all persons have equal access to opportunities in the core public administration.
- [Directive on Telework](#): provides the framework for the management of telework for persons in the core public administration. It lists the key stakeholders' roles and responsibilities and suggests a template for drafting a comprehensive telework agreement.
- [Mental Health and COVID-19 for Public Servants hub](#): this set of webpages from the Centre of Expertise on Mental Health in the Workplace contains workplace mental guidance for managers and employees specific to the pandemic context.
- [Mental Health and COVID-19: FAQ for people managers](#): this resource, developed by the Centre of Expertise on Mental Health in the Workplace, provides tips on how to support employees' mental health during COVID-19 in the various circumstances, including leave situations.
- [Orientation Package to Support the Easing of Restrictions at Federal Worksites](#): Resources to protect, promote and support employee well-being during the easing of COVID-19 restrictions at federal worksites. Please note that some of the resources in the documents below are only available to Government of Canada employees.
- [Job aids on virtual teams, COVID-19 and mental health](#): A job aid is a tool to help you carry out your everyday responsibilities. They come in many types, including quick reference tools, checklists, decision trees and worksheets.