

# Workplace FAQs During Natural Disasters



Source – Ontario MOL

## Employees

[learn\_more caption="The police have blocked off access to my place of work. Can I be disciplined or fired if I didn't show up to work?"]

- The government expects that employers would take into consideration the circumstances, and would treat their employees fairly.
- Employees may have terms and conditions of employment that may address such issues.

[/learn\_more]

[learn\_more caption="My employer shut down production. Can I be laid off and will I be paid?"]

- The government expects that employers would take into consideration the circumstances, and would treat their employees fairly.
- Under the Employment Standards Act, 2000 the employer is only required to pay you for work you have performed.
- In some workplaces, terms and conditions of employment may address such issues.

[/learn\_more]

[learn\_more caption="I rely on public transportation to get to work. Can I be disciplined or fired if I don't show up for work?"]

- The government expects that employers would take into consideration the circumstances, and would treat their employees fairly.
- Employees are encouraged to discuss their individual situation with their employer.
- Employees may have terms and conditions of employment that may address this issue.

[/learn\_more]

[learn\_more caption="I am concerned about safety at work due to the natural disaster. What can I do? What protection do I have?"]

- Workers who have concerns about their safety should raise those concerns with their supervisor or employer.
- The Ministry of Labour will investigate concerns that cannot be resolved in the workplace.

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[learn\_more caption="Will the government do anything to protect my job if I could not report to work due to the natural disaster?"]

- The government expects that employers would take into consideration the circumstances, and would treat their employees fairly.

[/learn\_more]

[learn\_more caption="My employer fired me because I didn't go into work because of the natural disaster. Is there anything I can do? Am I entitled to notice of termination or termination pay?"]

- The Employment Standards Act, 2000 only permits an employer to terminate a worker without notice of termination or termination pay in certain limited circumstances (For example, where an employee is guilty of wilful misconduct, disobedience or wilful neglect of duty).
- The government expects that employers would take into consideration the circumstances, and would treat their employees fairly.
- If you have been terminated and believe you may be entitled to termination pay, you should contact the Ministry of Labour's Employment Standards Office, at 1-800-531-5551. If you wish to file a claim with the ministry, download a claim form from the Ministry of Labour website, fill it out and drop it off at a ServiceOntario location or mail it to the address shown on the claim form.

[/learn\_more]

[learn\_more caption="My employer has informed me that the days I was not at work because of the natural disaster will be designated as vacation days. Can this be done without my approval?"]

- The government expects that employers would take into consideration the emergency circumstances, and would treat their employees fairly.
- Employees may have terms and conditions of employment that may address such issues.
- Under the Employment Standards Act, 2000, employers can determine when employees take their vacation. Generally, the employer may only schedule a vacation for a period shorter than a week with the employee's written consent.

[/learn\_more]

[learn\_more caption="I came into work, but was sent home by my employer. Am I entitled to any compensation for coming in?"]

- Employees may have terms and conditions of employment that may address such issues.
- Under the Employment Standards Act, 2000, employees (other than employees who are students) who regularly work more than three hours per day, but who

are sent home before working three hours, are generally entitled to be paid the greater of:

- Three hours at minimum wage
- The employee's regular wage for the time worked.
- This does not apply when the cause of the employee not being able to work at least three hours is beyond the employer's control.

[/learn\_more]

## Employers

[learn\_more caption="What are my responsibilities as an employer regarding the safety of my employees because of the natural disaster'"]

- All employers must comply with their duties under the Occupational Health and Safety Act, including the duty to take all reasonable precautions in the circumstances to protect the health and safety of workers.
- Employers have a responsibility to evaluate whether the natural disaster may create unusual hazards in the workplace, and to provide information, instruction and supervision to workers.
- As well, employers in affected areas should prepare plans for safe entry and exit from their workplace during any disruptions.

[/learn\_more]

[learn\_more caption="I am concerned that natural disaster may affect my employees, and I want to shut my business down for those days. Will I have to pay my employees' And, are there any specific steps I must take to be in compliance with the Employment Standards Act'"]

- There are no provisions in the Employment Standards Act, 2000 that say that an employer cannot layoff an employee temporarily.
  - However, the employee's terms and conditions of employment may not allow temporary layoffs, in which case the employee could treat the layoff as a constructive dismissal, quit and claim termination or severance pay.
- There are no provisions that require that an employee who is temporarily laid off must be paid for the days on which the layoff occurs. However, the employees' terms and conditions of employment may require such payment, which may be enforced under the Employment Standards Act, 2000.

[/learn\_more]

[learn\_more caption="Can I require my employees to take vacation days because of the disaster'"]

- The government expects that employers would take into consideration the circumstances, and would treat their employees fairly.
- Employees may have terms and conditions of employment that may address such issues.
- Under the Employment Standards Act, 2000, employers can determine when employees take their vacation. Generally, the employer may only schedule a vacation for a period shorter than a week with the employee's written consent.

[/learn\_more]

[learn\_more caption="What procedures do I have to follow if I am forced to send

my employees home early'"]

- Employers are required to pay employees for the time they performed work.
- Under the Employment Standards Act, 2000, employees (other than employees who are students) who regularly work more than three hours per day, but who are sent home before working three hours, are generally entitled to be paid the greater of:
  - Three hours at minimum wage
  - The employee's regular wage for the time worked.
- This does not apply when the cause of the employee not being able to work at least three hours is beyond the employer's control.

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