

Guide for Law Firms: Returning to the Office after COVID-19

Law Society of Alberta

June 2020

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Disclaimer

This guide outlines techniques and strategies to assist law firms to return to working from their offices and reduce the risk from transmission of COVID-19 among lawyers, staff and clients.

The recommended practices will not fit every situation. The material presented does not establish a standard of care for lawyers, nor does it provide a complete analysis of the relevant topics. This information is not legal advice and should not be taken as such.

This guide does not supersede the obligations that apply to all businesses and individuals relating to health, safety and employment or to lawyers' professional obligations under the *Legal Profession Act*, Code of Conduct or Rules of the Law Society of Alberta.

Government Relaunch Information

Before reopening your office, you should become familiar with workplace guidance and sector-specific directives issued by the Governments of Alberta and Canada.

It is also important to implement measures to comply with public health requirements and workplace guidance to reduce the risk of COVID-19 among staff and clients.

A helpful template to guide you through the steps you should take can be found in the [Relaunch Considerations Plan Template](#).

For the latest information, visit the Government of Alberta website which provides details about the [relaunch strategy](#).

Links to resources prepared by the Governments of Alberta and Canada, as well as others, are found at the end of this guide.

Law as an Essential Service

Legal services were deemed an essential service in Alberta.

Because of this, many law firms continued to operate during the COVID-19 pandemic, even while many other businesses were closed.

Like all businesses and individuals, however, law firms must follow public health orders and general and sector-specific workplace guidance to keep staff and clients safe. No one can be required to work or use services from an unsafe environment.

One size does not fit all. Each law firm needs to review the general guidelines and develop specific actions that work best for their size, structure, location and practice areas.

Talk with your Team

Four Questions

Some employees will be glad to return to the office. Others less so. This could affect your firm's culture, lead to absenteeism, and lower productivity.

Ask each member of your team these four questions, through a survey or a one-to-one conversation:

1. How do you feel about coming back to the office?
2. What concerns you about coming back to the office?
3. If needed, how effectively could you maintain your work from home situation for the next six months?
4. What are your biggest challenges working from home and what additional support do you need?

[How to Assess Your Employees' Anxiety About Returning to the Office](#)
Forbes Magazine May 28, 2020

It is critical to be mindful of both physical and mental health considerations of everyone on of your team. Communicate with everyone on your team regularly and let them know you are available for further discussions. Some topics for discussion include:

- Remind your team regularly of mental health and social supports that are available and encourage them to use those resources.
- Discuss steps they can take to mitigate risk of transmission at home and while commuting to and from work.
- Notify your staff of the steps your firm is taking to prevent the risk of transmission of infection, and that they play a critical role in making these measures a success.
- Ensure that employees and clients are aware that the Chief Medical Officer's orders require individuals who have returned from travel outside of Canada to be in isolation for a minimum of 14 days.
 - If someone becomes sick during the 14-day isolation period, they should remain in isolation for an additional ten days from the start of symptoms, or until the symptoms resolve, whichever is longer.
 - The Public Health Agency of Canada is [advising](#) travellers to avoid all non-essential travel outside of Canada.

Assess the Risks

Before letting employees return to the office, conduct a hazard assessment of all the tasks that they perform. Then take the necessary action to avoid unnecessary risks.

Vulnerable individuals

Pay particular attention to any vulnerable individuals. There is an increased risk of more severe outcomes for anyone:

- aged 65 and over;
- with compromised immune systems;
- with underlying medical conditions.

Is there anyone with health or family obligations that prevent them from returning to the office just yet? Who has young children whose schools remain closed?

Watch for signs that someone is struggling. Pay attention to any changes in their mental outlook, physical health or any concerns they express.

Stay connected, especially with anyone still working from home while others return to the office.

Who needs to be on-site? Who can work remotely?

Consider which staff members need to be working on-site and who can continue to work remotely. Ask yourself:

- Is on-site presence by every member of your team critical to your firm's operations?
- Is there a minimum number of people you need on-site to ensure safety?
- Which tasks are 'business-critical' and which tasks could be deferred? Could some be adapted to reduce the risk of exposure or be performed remotely while the rest of your operations return to the office?
- Does everyone have the computer equipment and space to work safely and effectively from home?

The right time to return

Ask yourself the following when deciding when to return to the office:

- How quickly should we return? This question is getting more attention than any other, but the fact is that no one knows for sure.
- Can and should we re-engineer our workplaces to reduce the risk of infection?
- Can we adjust the nature of the work performed to encourage productivity, while still respecting social distancing and other recommended health measures

Plan Your Return

Lobbies, reception & other common areas

Work collaboratively with your staff, landlord and other tenants in your buildings to ensure consistency across common areas. Other measures include:

- Create additional space by using parts of the workplace or building that have been freed up by remote working.
- Install screens to protect staff in reception and similar areas.
- Provide packaged meals or other options to avoid fully opening staff canteens.
- Encourage staff to bring their own food.
- If catering is required, order separate individual meals.
- Reconfigure seating and tables to maintain spacing and reduce face-to-face interactions.
- Regulate use of locker rooms, changing areas and other facility areas to reduce concurrent usage.
- Encourage storage of personal items and clothing in personal storage spaces or lockers.

Workplaces and workstations

- Where space permits, move workstations further apart to reduce congestion.
- Avoid sharing desks.
- Install screens and dividers between desks.

Scheduling & circulation

You have a range of options to reduce the risk of infection and allow a successful return to your office.

The measures that work for your firm will depend on its size, office configuration, location and needs of your staff.

- Begin with a small team working from the office while everyone else continues to work remotely.
- Consider staggered work schedules, with different departments or team members within departments working different schedules. Stagger break times to reduce pressure on break rooms or canteens. Since all of this may change the number of people circulating in your office at any one time, take precautions to prevent this from increasing rather than mitigating the spread of infection.
- Identify where people directly pass things to each other, such as office supplies. Look for ways to avoid direct contact, such as using drop-off points or transfer zones.

- Investigate the use of touch-free access measures (electronic access cards, showing identity cards to security personnel) for staff entering and leaving meeting rooms, the office or the building.
- Reduce or eliminate non-essential movement within the office and travel to other locations.
- Allow for multiple entry points in and around the office to reduce congestion. Extra security precautions may be needed to compensate for the unfamiliar traffic flows.
- Temporarily close selected coffee stations or lunchrooms, to minimize the number of coffee stations and eating areas you are required to clean and sanitize.
- Reduce the maximum occupancy of elevators. Staggered work schedules, with staff arriving at different hours, will make this easier to accomplish.
- Use floor tape to mark two-metre distancing in areas where people congregate.

Personal protective equipment (PPE)

If hazards related to COVID-19 cannot be eliminated, the Government of Alberta recommends that firms follow the following hierarchy of preventative measures:

- **First choice: Isolate the hazard (Engineering controls)** Control the hazard at the source by isolating it and physically directing actions to reduce the opportunity for human error. Examples include placing barriers or partitions between workers, removing seats from lunchrooms and dining areas, re-arranging lockers, restricting general access to the office and increasing ventilation.
- **Second choice: Change behaviour (Administrative controls)** These controls change the way staff, volunteer and clients interact through the implementation of policies, procedures, training and education. Examples include policies for physical distancing, limiting hours of operations and respiratory etiquette and providing adequate facilities, supplies and reminders for hand hygiene. Increased frequency of cleaning as outlined above is also required.
- **Third choice: Use protective equipment (PPE)** PPE controls are the last tier in the hierarchy and should not be relied upon exclusively. PPE depends on the type of activity and risk of exposure to a pathogen or sick person. Examples of PPE include gloves, eye protection, face protection and face masks.

If your hazard assessment determines that PPE is necessary, ensure that the PPE fits your staff properly.

- If a mask is necessary, surgical and procedural masks will likely be sufficient.
- Respirators (e.g. N95 masks) are only required when the work might cause large droplets containing COVID-19 to be aerosolized into tiny airborne particles. This is not common in office environments.
- [Resources](#) are available to [assist](#) law firms to understand and manage respiratory viruses in the workplace.

PPE can only be reused if the manufacturer allows it and has provided clear cleaning and disinfecting instructions.

- Assign a user's name and store used PPE separately after it is cleaned and disinfected.

If staff members wear face coverings, encourage them to:

- Wash their hands thoroughly before putting it on and after removing it.
- Avoid touching their face or face covering since they could contaminate them with germs from their hands.
- Change their face covering if it becomes damp or if they touch it.
- Wash their face covering daily if it is washable. If not, dispose of it at the end of each day.

Once You Are Back

Hand hygiene and respiratory etiquette

It is important that firms promote and facilitate frequent and proper hand hygiene for staff, lawyers and clients. Some ways to do this are:

- Provide a means of sanitizing hands at points of entry and locations throughout the office where clients and staff are known to congregate.
- Instruct staff to wash their hands often with soap and water for at least 20 seconds or use an alcohol-based hand sanitizer (greater than 60% alcohol content).
- The [AHS hand hygiene education webpage](#) has more information, posters and videos about hand hygiene. Glove use alone is not a substitute for hand hygiene. Hands should be cleaned before and after using gloves.

Tip: Consider putting together 'COVID-19 emergency packs' that include face masks, hand sanitizer and desk wipes for each member of your team.

- Remind staff to practice good respiratory etiquette (e.g., coughing or sneezing into a bent elbow, and promptly disposing of used tissues in a lined garbage bin).
- Use posters that remind staff and clients to practice respiratory etiquette and hand hygiene. Posters are available [here](#).

Cleaning & disinfecting

Cleaning does not kill germs but is highly effective at removing them from a surface. Disinfecting refers to using a chemical to kill germs on a surface. Disinfecting is only effective after surfaces have been cleaned. Some COVID-19 cleaning tips include:

- Use a “wipe-twice” method to clean and disinfect. Wipe surfaces with a cleaning agent to clean off soil and wipe again with a disinfectant.
- Develop and implement procedures for increasing the frequency of cleaning and disinfecting of high traffic areas, common areas, and public washrooms.
- Frequently clean and disinfect high-touch/shared surfaces such as:
 - Doorknobs, light switches, toilet handles, faucets and taps, elevator buttons, railings.
 - Phones, computers, remote controls, keyboards, desktops, conference room equipment, customer service counters.
- Health Canada has approved several [hard-surface disinfectants](#) and [hand sanitizers](#).
- Disposable towels and spray cleaners, or disposable wipes, should be available to staff to regularly clean commonly used surfaces.
- Remove all communal items that cannot be easily cleaned, such as newspapers and magazines.

Social distancing in the workplace

Businesses that are not otherwise restricted or ordered to close can have more than 15 people onsite at an indoor location and more than 50 people onsite at an outdoor location. Workers may work at a distance no closer than two metres.

Risk mitigation strategies to prevent the spread of COVID-19 must be implemented and followed. See [COVID-19 Orders and Legislation](#) for a current summary of ministerial orders, orders-in-council and legislation.

Examples of what you can do to support social distancing include:

- Maintain a two-metre separation between all staff and clients.
- Restrict the number of employees and clients in the office at any one time.
- Install physical barriers to separate staff and clients.
- Increase separation between desks and workstations.
- Eliminate or restructure non-essential meetings, training and other gatherings. Where possible, move in-person meetings to video conferencing platforms like Zoom or Microsoft Teams.
- Limit in-person meetings to participants who are necessary.
- Avoid use of shared pens and other objects in meetings.
- Hold meetings outdoors or in well-ventilated rooms whenever possible.
- Limit the number of people in shared spaces such as lunchrooms and stagger break times. Removing chairs from shared spaces and taping markers at 6-foot distances may help to reduce crowds and congestion.
- Provide hand sanitizer in meeting rooms and other shared spaces.
- Limit hours of operation or set specific hours for at-risk clients.
- Implement contact-free modes of client interaction such as home pickup and delivery of documents and files.

Office visitors – clients & contractors

Once you have resumed operations, you should still encourage communication through email, video conference and phone calls. Where site visits are required, guidance on social distancing and hygiene should be explained to visitors on or before arrival. Some other considerations are to:

- Limit the number of visitors at any one time.
- Determine if schedules for essential services and contractor visits can be revised to reduce interaction and overlap between people. For example, see if any services can be carried out at night.
- Maintain a record of all visitors. This will be critical if you need to know who may have come into contact with someone who develops symptoms.

- Provide clear guidance on social distancing and hygiene to visitors on arrival, with signage or visual aids, and before arrival, by phone, on the website or by email.

Travel restrictions

- Minimize non-essential travel. Consider remote options first.
- Minimize the number of people travelling together in any one vehicle, using fixed travel partners, increasing ventilation when possible and avoiding sitting face-to-face.
- Clean shared vehicles between shifts or on handover.

What if Someone Gets Sick?

If a member of your team comes to work sick, or becomes sick while at work, what should you do?

- Emphasize that anyone who is sick with cold-like symptoms such as cough, fever, runny nose, sore throat or shortness of breath, **MUST NOT** be in the workplace.
- Clients with these symptoms should not be allowed into your office and should be advised to return home.
- Examine your sick-leave policy to ensure it aligns with public health guidance. There should be no disincentive for staff to stay home while sick or isolating.
- Anyone who appears to have acute respiratory illness symptoms (e.g., cough, shortness of breath) upon arrival to the workplace, or becomes sick while at the workplace, should begin isolation at home immediately.
- Symptomatic employees should follow hand hygiene and respiratory etiquette and maintain at least a two-metre distance from others while leaving the premises.
- If they do not have their own transportation, support them in arranging for transportation home where needed. Symptomatic/sick individuals are not allowed to take public transport under [CMOH Order 05-2020](#).
- Once a sick individual leaves your office, clean and disinfect all surfaces and areas they may have touched.
- Immediately record the names of anyone the sick employee has been in contact with that day and in the 48 hours prior to the onset of symptoms. This information may be necessary if the sick worker later tests positive for COVID-19.
- More information on isolation and quarantine can be found in the Government of Alberta's [COVID-19 Information - Workplace Guidance for Business Owners](#).
- If a staff member is confirmed to have COVID-19, and it is determined that other people may have been exposed to them, Alberta Health Services (AHS) may be in contact with you to provide the necessary public health guidance. Records may be sought up to two-weeks prior to the individual becoming sick.

Medical leaves/termination due to COVID-19

[Temporary changes to employment standards, occupational health and safety and workers compensation rules](#) have created job-protected leave options for employees impacted by COVID-19.

Employees in quarantine are eligible for 14 days of unpaid leave. Other factors include:

- All employees are eligible regardless of their length of service.
- Employees can take this leave more than once.
- Employers and employees may explore alternate work arrangements such as working from home. If alternate arrangements cannot be made, employers are not required to schedule employees for work.

- Extended [personal and family responsibility leave](#) allows employees who are caring for a child affected by school or daycare closures or a dependent adult who is required to self-isolate to take job-protected leave.
- Employees are not required to have a medical note.
- Employees may not be terminated or temporarily laid off for requesting a protected leave or being on the leave.

Resources

Relaunching a Law Firm
Canadian Bar Association – B.C. – Returning to the Office: Considerations for Law Firms
South Carolina Bar Association – Managing Your Law Practice Tips - COVID-19 Resources for Lawyers
New York State Bar Association – Guidance on Re-opening Law Firms
McKinsey & Company – COVID-19 Implications for Law Firms
General Resource information
World Health Organization – Getting your workplace ready for COVID-19
Centres for Disease Control and Prevention – Resources for Businesses and Employers
Government of Alberta – Alberta's Relaunch Strategy and Relaunch for Calgary and Brooks
Government of Alberta – COVID-19 Information - Workplace Guidance for Business Owners
Government of Alberta – COVID-19 Information for Albertans
Alberta Health Services – COVID-19 Self-Assessment Tool
Government of Canada – Public Health Agency of Canada
Government of Canada – Coronavirus disease (COVID-19)
Government of Canada – Coronavirus disease (COVID-19): Being Prepared
Canadian Centre for Occupational Health and Safety – Business Continuity Plan
Cushman & Wakefield – Recovery Readiness: A How-to Guide for Reopening your Workplace
Clarke & Company Benefits LLC – Guide to Creating a Return to Work Action Plan
Lear Corporation – Safe Work Playbook, An Interactive Guide for COVID-19 Pandemic Preparedness and Response

More Information

Various departments of the Law Society of Alberta are available to help you with the challenges and opportunities described here. Feel free to contact us at any time.

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