

Planning Ahead in a COVID-19 World: Short and Long Term Considerations for Returning to an Office Workplace

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By

For the past few months, businesses have been focused on navigating their operations and employees through the COVID-19 world, and the many government directives and regulations that have come with it. This has required most businesses to move from their physical work environments to online and virtual workplaces (if possible) in order to comply with government regulations and help stop the spread of the virus. While businesses that are considered “essential” were permitted to keep their physical workplaces open during this time, some employers still chose to close down these spaces (either partially or entirely) to focus on keeping their employees and customers safe.

Although Ontario’s state of emergency has been extended until June 2, 2020, Premier Doug Ford has announced that Ontario is entering stage one of a three-step plan to reopen the province. In light of this new development, businesses have turned their focus to preparing for the reopening of their physical workplaces, implementing the necessary precautions and adapting their operations to the “new normal”. While the government is developing general workplace safety guidelines to help employers keep staff and customers safe, it is important for companies to create reopening plans which are customized to their individual business, employees and work environment, as there is no “one size fits all” plan. One category of workplace of general importance are office spaces, which pose unique challenges that differ from those of other workplaces, such as retail or industrial spaces. Aside from the tenants of individual offices, landlords of office spaces/buildings must also create their own plans as they have different responsibilities and challenges.

There are many [legal questions, considerations and obligations](#) that a business must take into account when reopening their office workplace, and it is important landlords and tenants are aware of their contractual obligations as well. Businesses may have to consult with a lawyer, licensed medical professional, occupational health and safety specialist, industrial hygiene specialist, communications expert, design consultant and/or other technical specialist when creating their reopening plans; however, in the preliminary stage of preparation it is helpful to look at the general suggestions and practices of the government, experts and other businesses, as well as, the examples of other countries which have been successful in this process.

The Plan: a Phased Approach

A business’ reopening plan should take a conservative, measured and gradual approach, taking into account both short and long-term considerations. The return will likely be in multiple phases and will depend on a variety of questions: When should re-entry happen? Who should be coming back to the office? What behavioural changes will have to be implemented? What space will employees come back too? How will employees get there when they do have to return? What other building services will be affected and how does that impact your plan to reopen? As such, the reopening plan is more of a re-entry, reintegration and continuity plan, as it must consider how a business will continue to operate in the present COVID-19 world, as well as, in the future post pandemic world.

Businesses must also consider what happens if a second wave of COVID-19 happens and ensure their plans are flexible and include re-exit strategies as well. As of now, re-entry dates have varied between companies – some aiming for fall 2020, or even January 2021.

In the short-term, companies should be developing protocols and reorganizing their workplace to conform to government regulations and the suggestions of their peers. For both landlords and tenants, protocols should be applied consistently between all office locations/portfolios. A business' plan will have to be based on best practices and adjust as necessary based on the lessons of others. Other countries can be looked at in terms of how they have approached the return of citizens to physical office spaces- in that regard South Korea's protocols might be worth looking at. Businesses will have to balance maintaining their company's culture, productivity and profit, while respecting the needs of employees (both physical and mental) and complying with legal/governmental requirements. All measures implemented for the return to office spaces should be done in compliance with the requirements under the Occupational Health and Safety Act and associated Regulations, recommendations from the Ministry of Health and directives from Public Health Ontario. The Ontario government has, in conjunction with four provincial health and safety associations and the Ministry of Labour, Training and Skills Development, compiled more than fifty technical sector [guidance documents](#) to assist employers to ensure their workplace is safe for their employees and customers. The guidance documents are organized by sector and cover a broad range of subtopics, including guidance on workplace hygiene and sanitation, personal protective equipment (PPE), and mental health. With respect to office spaces, the guidance documents include:

- [Health and Safety Guidance During COVID-19 For Employers of Office Settings](#)
- COVID-19 Health and Safety Guidance for Office Administration and Secretarial Staff
- [COVID-19 Health and Safety Guidance for Office Sector](#)
- COVID-19 Health and Safety Guidance for Executives and Management

While a company's short-term plan will be focused more on working with their existing business model and moving quickly to make the necessary tweaks, in the long-term, companies should be rethinking their operations and their work environment. In addition to the guidance documents outlined above, below are suggestions with respect to the main components of a business plan, and the short-term and long-term considerations that may be applicable.

De-densifying and Adapting the Physical Workplace

In the short-term, businesses must consider "de-densifying" their workplace. For many workplaces, this will require some comprehensive planning – as a lot of businesses, with ever increasing office rental rates, have been doing the contrary over the past number of years – creating bull pens, getting rid of fixed office allocations, and encouraging team work environments. This may involve returning to one's workplace in stages or attendance at the office may be in "shifts". The current thinking on de-densifying seems to be bringing back employees gradually and by invitation, in a phased approach based on availability of space and priority. Consider what employees are able to work or continue working remotely from home (and which prefer to) and what employees are required to return (and/or would like to). Prioritizing individual choice and flexibility about where employees work and respecting physical and mental health needs is an effective way to de-densify a workplace. Some employees will want to come back to the physical office space because they are unable to work at home productively, and some will not want to come back due to health concerns, if they live with vulnerable people, they are hesitant to use public transit, fear, etc. Social distancing standards will have to be implemented, and priority should be given to roles that have demonstrable productive advantages.

Companies will have to think about readapting and redesigning the physical workplace for both the short and long-term. In the short-term, a majority of people will be working from home and the design of the workplace will be focused on behavioural changes and de-densifying by creating space. Companies will have to move quickly and given there is not a lot of time to order new products, materials and equipment and redesign the whole office space, they will have to reconfigure what they already have by being innovative and creative. The basic 6-foot/2-meter physical distancing rule should be upheld, and it has been suggested office seating/work stations be adjusted to maintain this. Panels and plexiglass are considered buffers for the virus, and also give people a sense of security. In open-concept/shared workspaces, if possible, it is suggested to allocate desks and chairs for specific individuals. A lot of physical spaces within the office will have to be shut down and shared spaces which used to bring employees together and promote collaboration will become more ad-hoc. In addition, it has been suggested to eliminate common appliances, public water

fountains, coffee machines, etc. Some companies have suggested keeping the use of conference rooms for meetings that are only absolutely necessary and that video conference meetings should be used whenever possible. However, if a face-to-face meeting is required, the occupancy of conference rooms should be limited to maintain social distancing and if possible additional seats should be removed. It has been predicted that we will see companies using more smooth surfaces and easy to clean fabrics that can take heavy-duty cleaning, as well as, antimicrobial surface shields and self-cleaning adhesive surfaces (e.g. Nano Septic). How people move through these physical spaces will also have to be regulated by companies. If possible, a separate entrance and exit should be designated and one-way traffic flow should be established through the office. Another suggestion is to prop open all internal doors within the office premises, except those used to secure the premises, to eliminate touch points.

Landlords will have the added challenge of managing shared office buildings, as there are many entrance/exit points and communal spaces such as lobbies, restrooms and food courts which must be considered. There will have to be limits on how individuals use and move through these spaces to maintain physical distancing, and limits to prevent close contact for extended periods of time. One thing to consider is the use of elevators. There will be limits on how many passengers will be accommodated in an elevator. Every building has different specs with respect to how large or small elevators are, but it will range from 2-4 people in an elevator and decals should be used to tell people where to stand while waiting for and while in the elevator. Another thing landlords may consider is improved central air filtration and adjusting building airflow to continually introduce fresh air to dilute recycled air and possible concentration of contaminants.

In the long-term, we will see more science based driven decisions with respect to the design of office spaces. There will be new materials and hands-free technology with respect to work surfaces and equipment such as light switches or computer monitors. Companies will have to think ahead and no longer buy equipment which can be used for a singular purpose, such as large boardroom tables, but instead they will buy surfaces that can split up and be repurposed and reimagined so they can re-organize their workplace flexibly when needed. Post-vaccine, experts predict people will not be coming to an office to do heads down work, and instead, organizations will want employees to come back to physical workplaces to collaborate, spark ideas and be connected. Auxiliary spaces will take on new importance, because that is where people co-create. Design will be more thoughtful and will not just be about how quickly we can move through a space and manage density, but how do we move someone through an environment so they can be inspired and get a task done. So there is a prediction of a more holistic space in the future.

It takes about 21 days to form a new habit, and people have become a lot more comfortable working from home. It's hard to say if the demand for physical office space will drop, but in order for a company to work in a synchronous way no matter where an employee is, technology will have to be used to make businesses more adaptable/flexible and allow for collaboration. Regardless of how important the physical workplace will be, companies will have to think about people's spaces at home and ensure the experience people have in their home office matches the company's culture at the physical workplace as well. Technology and working from home policies were trends that existed before, but COVID-19 has accelerated these trends and promoted innovation. Companies will have to incorporate technology and create a new digital work environment, as working from home may be as paramount as working in a physical office space.

Cleaning, Personal Hygiene, PPE and Testing

There are many preventative measures that a company may take in order to stop the spread of COVID-19 and protect their employees. There are still questions about what measures will be required to comply with legal/governmental requirements, and there may be challenges in obtaining PPE and sanitation products due to supply chain issues. Companies will have to calculate and account for the amount of products that will be needed to be procured in their reopening plans.

Besides physical distancing, cleaning, handwashing and personal hygiene are the most important preventative measure according to experts. Companies will be expected to enhance their cleaning regime, especially with respect to common areas and high-touch surfaces, and should do an initial deep clean and sanitization of the office before employees return. Employees should be reminded to

regularly wash their hands, cough and sneeze away from others and into a tissue (or where unavailable, into their elbow), avoid touching their face, stay home when sick and regularly disinfect their work equipment/surfaces (and companies should provide employees with materials to do so). If allocated desks and chairs are not possible, enhanced cleaning protocols should be in place and desks should be cleaned before another individual is allowed to utilize the same desk. Companies should create a list of common touch points and high traffic areas to determine where to place sanitizer for employee use.

With respect to PPE, it remains to be seen if employees will be required to wear PPE at all times or only in specific circumstances. Regardless, experts have suggested that if you have a job where you cannot honour the six foot distance between another person, and if you have close contact with others for more than 10-15 minutes, you should be wearing a mask. This applies before you enter your office space as well (i.e. while you are commuting or are in an elevator). Some companies are requiring staff to wear face masks as part of phase one of their reopening plan when they are in the office away from their personal workspaces, including in all common areas such as break rooms, hallways, conference rooms and restrooms. The purpose of masks is mainly to reduce viral spread by protecting other people, so you do not infect them.

Testing is ideal for the re-entry strategy. There are multiple tests that have been, or are being, developed including tests with respect to whether someone has COVID-19 or whether someone is immune to the virus. Contact tracing and testing are helpful to give businesses more sophisticated screening, however, the reality is that testing will not capture everyone. We know from studies that a significant portion of individuals with the virus lack symptoms (i.e. are asymptomatic) and that those who develop symptoms (i.e. are pre-symptomatic) can transmit the virus to others before showing symptoms, and these asymptomatic and pre-symptomatic individuals are not detected in testing such as temperature checks. Due to this, it is unlikely that testing will be used outside hospitals or more vulnerable communities (i.e. elderly homes), because generally the use of testing is not the most effective preventative measure due to its limitations.

Change Management, Employee Training and the Effect on Culture

People will have to adapt to new behaviours in the workplace to keep themselves and colleagues safe. Managing the people side of a change is often the most challenging and critical component of an organizational transformation. Getting people on board and participating in the change mandated by a company's re-entry, reintegration and continuity plan will determine how effective it is, as its success relies on employees doing their jobs differently and changing their behaviours/processes.

Change management is the process, tools and techniques to manage and help people through organizational change. It is the systematic management of employee engagement and adoption when the organization changes how work will be done. Ultimately, change management focuses on how to help employees embrace, adopt and utilize change in their day-to-day work. Change management is an important tool for companies to utilize through the reopening process as they must prepare, manage and reinforce change in their office workplace. It is not just about the adaptability/flexibility of a physical workplace, but also the adaptability/flexibility of the workforce. There are a few important principles that are recommended for leaders to keep in mind – leaders must: motivate employees to change and create a strong why for employees to come back to a space; create an optimistic view for the future and remain confident, so people can get excited for the future and realize this too shall pass; provide clear communications to employees, about the plan for the short-term and long-term so employees are prepared; engage people as much as possible, to get people involved in how things will be done moving forward and build an energy of engagement (i.e. surveys, town halls, webcasts, etc.); be empathetic, as this is a hard time for everyone.

A big part of change management will be providing training and guidance to employees. This may come in the form of webinars or written guidelines, or more simple tools such as seating/hand-sanitizer location charts or signs to remind employees of the rules of physical distancing, cleaning protocols and frequent/effective hand washing.

Companies used to think about creating the ultimate workplace to enhance culture, create a good work environment and attract

talent. We've all heard of the immaculate office spaces which include ergonomic furniture, open floor plans and shared work/common spaces, state of the art meeting rooms and even games rooms for employees to unwind. When done right, changing the workplace can lead to changing the way your company operates. Creating a positive physical environment leads to a more engaged and productive employee, as people work better in a space that promotes physical well-being, social interaction and the brainstorming of ideas. It is too early to tell how a company's culture will be affected with the changes that come in the present and post COVID-19 world, however, companies will now have to think differently and create a strong and effective employee experience virtually as well. Companies must ensure employees have support, remain productive, feel connected to the organization and feel like they have a purpose whether they are working in the physical office space or working from home. This will require companies to create strong virtual tools in order to facilitate this, as communicating a company's culture through physical space will become less important. One challenge will be ensuring culture is transferred to new employees, which is something companies are experiencing now as they are onboarding summer students remotely without meeting most of them fact to face. This will be a process of trial and error, and companies will learn what tools effectively bring their employees together whether it be zoom calls, online portals, virtual newsletters, etc.

It remains to be seen how the "new normal" will ultimately change a business, its workplace, its culture and the social interaction of employees. Remember, a re-entry, reintegration and continuity plan must be flexible, and it is up to a business to continue to adapt and make changes as necessary. While we hope this article helps you prepare to plan for the future, in order to ensure you are complying with your legal obligations and government regulations and avoiding liability, please contact one of the lawyers in our [Commercial Leasing Practice Group](#) and we would be pleased to assist you.

The information and comments herein are for the general information and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, please contact any of our lawyers for further guidance.

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