

# COVID-19

# TEMPORARY SPECIAL TELECOMMUTING WORK ARRANGEMENTS GUIDELINE

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**TORONTO**

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# 1 | INTRODUCTION

The University of Toronto (the “University”) has continued to closely monitor the COVID-19 situation and has designed this Guideline to help managers and employees assess the suitability of a temporary special telecommuting work arrangement in circumstances where an employee has been impacted by COVID-19. Given the evolving nature of the situation, it is not possible at this time to define all situations that may result in a telecommuting work arrangement being appropriate. The employee and manager should have reference to the most recent official communications from the University regarding this issue to determine when telecommuting due to the impact of COVID-19 will be appropriate.

All employee telecommuting work arrangements are to be determined in collaboration with and having approval of the employee's manager. Telecommuting work arrangements are not suitable for all positions and situations. While employees have the right to request a telecommuting work arrangement, a manager's approval of the arrangement is based on the University's operational requirements, the employee's specific role and responsibilities and the current context giving rise to the request. It is therefore not guaranteed and is subject to termination at any time and for any reason, as determined by the employee and/or the manager.

This Guideline is not intended to apply to employees who are themselves sick with COVID-19 and on that basis would not be working. Employees who are sick with COVID-19 will be treated in accordance with the usual terms, conditions, and processes applicable when they are unable to work due to illness.

# 2 | GENERAL PRINCIPLES

## TELECOMMUTING

Telecommuting is an arrangement whereby an employee fulfills their job responsibilities at a remote location that is not operated by the employer – e.g., office space in an employee's residence – for one or more days per week.

Requests to commence a temporary special telecommuting arrangement related to COVID-19 may be initiated either by the employee or by the University.

## GENERAL PARAMETERS

- The proposed arrangement must be reasonable and include a rationale linked to the COVID-19 health matter.
- The general nature of the work must be suitable for a telecommuting work arrangement as determined by the employee's manager.
- An employee's manager must approve all telecommuting arrangements. The manager has sole discretion to approve or not approve a request, or to approve a request in part or subject to specific changes or parameters.
- Requests and approvals (and denials) are all completed in writing (email is sufficient). Note that the approval from the manager should have both Appendix A and B appended.
- The telecommuting work arrangement should maintain an employee's regular hours of work and income, such that it does not affect the employee's pension and benefit plans provided by the University.
- If a telecommuting work arrangement is approved, the arrangement does not change the employee's basic terms and conditions of employment with the University under the applicable collective agreement, employment contract, policies, and laws.
- A telecommuting work arrangement of a set length does not constitute a guarantee of continued employment during that time. The University retains its contractual rights, including the right to assign work, to reorganize the workplace and the work, and/or to terminate employment with or without cause pursuant to the applicable collective agreement, contract and laws.
- In some cases, a manager may require the employee to report to the manager in different ways or with a different level of frequency than when the employee is working on University property, to keep the manager up-to-date on the work of an employee who is not on-site every workday. For example, the manager may wish to schedule additional update meetings, have updates provided by email, or implement other schedules and methods of reporting.
- The University will not typically subsidize the cost of the employee's remote workspace, including equipment or supplies. Nonetheless, the manager can consider requests relating to equipment or supplies required for an employee to telecommute that are beyond what an employee would ordinarily have at home or would keep at home following the end of the telecommuting arrangement under this Guideline.
- The approval of a telecommuting work arrangement in response to the impacts of COVID-19 is not a guarantee that the employee will be approved for a telecommuting work arrangement in the future. Each request for a telecommuting work arrangement will be reviewed independently with consideration of all relevant factors and in accordance with University policy.

- A telecommuting work arrangement under this Guideline is temporary and will end no later than when the reason for the request (e.g. self-quarantine) has been resolved. Notice of the end of the telecommuting work arrangement should be provided as soon as reasonably practicable in the circumstances.
- Termination of a telecommuting work arrangement does not constitute termination of employment, constructive or otherwise.

# **A** | **APPENDIX A:**

## **DUTIES AND OBLIGATIONS OF EMPLOYEES DURING TELECOMMUTING WORK ARRANGEMENTS**

Although telecommuting does not, in and of itself, amend the terms and conditions of an employee's employment, there are various arrangements that need to be made for telecommuting to be successful. Additionally, employees may need to be aware of employment terms and conditions that are more relevant or apply differently to them while telecommuting. Telecommuting employees should pay particular attention to the following:

### **PERFORMANCE OF JOB DUTIES DURING WORKING HOURS**

Just as the employee is required to do while working on University premises, the telecommuting employee is expected to perform work duties in the normal course and must be available and accessible during agreed upon working hours.

The employee is not intended to be providing childcare, eldercare, care for sick relatives, or perform other personal obligations during working hours, subject to the process that the employee would normally follow if such obligations arose while the employee was working on University premises.

### **REQUESTING VACATION, OVERTIME, PERSONAL DAYS ETC.**

The normal departmental processes apply for seeking approval for overtime, and requesting vacation, personal days, or other absences. Managers who are uncertain whether such requests are compatible with the telecommuting arrangement can contact their divisional HR office for clarification. For clarity, telecommuting arrangements, in and of themselves, shall not trigger overtime.

### **SUITABLE WORK SPACE**

The telecommuting employee is responsible for providing a suitable remote workspace (e.g., taking into account considerations of safety, ergonomics, privacy and confidentiality – see Appendix B). Typically, this will be within their residence (where they are the owner/occupant). The employee must provide an address and other information as may be reasonably requested by their manager, including a brief description and photos of their remote workspace.

The offsite workspace should be regarded as the telecommuter's private work space during their designated hours of work and respected accordingly. The arrangement is designed for the employee who will work independently away from the office, e.g., in their home. The offsite workspace is not for receiving visitors, holding meetings, receiving supplies, or otherwise conducting duties with others. If the telecommuting employee needs to meet with others for any reason in the performance of their duties, arrangements should be made to do so at the University, or arrangements for virtual meetings using enterprise software (e.g. Microsoft Teams) must be made. The University will not be held liable for any accidents or loss to third party residents or visitors to the home office.

### **EQUIPMENT AND SUPPLIES**

For purposes of this Guideline, the term "Equipment" includes but is not limited to any information technology, hardware, software, and connectivity. The University will not typically subsidize the cost of the employee's remote workspace, e.g., computer hardware or internet service at home. Specific requirements in terms of equipment (e.g., connectivity via internet, Virtual Private Network (VPN), remote desktop), may be set out in a telecommuting arrangement agreed upon between a manager

and employee. If the University provides any equipment or supplies, this will also be specified in writing. Such equipment or supplies are to be used solely for the purposes of the employee's duties for the University. They remain the property of the University, and subject to the employee being required to maintain them and return them at the end of the telecommuting arrangement or earlier if requested by the University (as described below under "Return of University Property"). The telecommuting employee is responsible for insuring any employee-owned equipment used in the performance of their work and for informing their house insurance carrier of their intent to work remotely.

## **COMMUNICATIONS**

The telecommuting employee must be reachable by telephone, text or instant messaging, email or other agreed upon method of contact during the agreed upon hours of work to the extent that they would be available if working on University property.

## **REPORTING OBLIGATIONS**

The employee will be advised if required to report to their manager (and maintain contact with co-workers) in a different way or with a different level of frequency while telecommuting.

The employee is responsible for notifying their manager as soon as possible in the event of equipment or connectivity malfunction. In such cases, it is expected that every reasonable effort be made by the telecommuter to minimize work disruption.

Telecommuters are also reminded that all usual reporting obligations exist during times they are working offsite, including the obligation to report to the supervisor in accordance with normal departmental practices in the event the employee is sick or otherwise unable to work during scheduled working hours (including, for example, attending a medical appointment or other personal obligations).

## **RETURN OF UNIVERSITY PROPERTY**

When the telecommuting arrangement ends for any reason, or earlier if at any time the manager determines, in its sole discretion, that it is no longer required by the employee, the employee will return any University property that was provided to them for purposes of telecommuting. This includes all University owned equipment and supplies, as well as documents, material, files, etc.

## **INJURY OR ACCIDENT**

The telecommuting employee must report any injuries or accidents that occur in the course of their employment to their manager as soon as reasonably possible, but no later than 24 hours after such injury/accident. The [Online Accident/Incident eForm for Employees](#) should be used to make such reports. The telecommuting employee agrees that a University representative may visit their remote work space to investigate an injury or accident report, and agrees to facilitate such a visit as soon as reasonably possible after the injury or accident.

## **PRIVACY AND CONFIDENTIALITY**

At the University, information that is not public must be treated as confidential. The University is subject to various requirements regarding privacy and confidentiality that arise out of legislation and policy. All such requirements must be met by the telecommuting employee in respect of any electronic or hardcopy information or records outside secure University environments or that the employee accesses electronically from offsite.

The telecommuting employee must take all reasonable steps to secure and maintain the confidentiality of all University information and documents while they are being transported to and from the employee's off-site workspace, and while the documents are in the off-site workspace. Such steps will include protecting such documents from being damaged, destroyed, stolen, copied or otherwise accessed by unauthorized individuals. University documents that are to be disposed of or destroyed in the course of the employee's work are to be disposed of or destroyed on site at the University.

There may be some documents that the telecommuting employee will not be permitted to take out of the departmental office due to privacy/confidentiality concerns.

If a breach of privacy/confidentiality occurs, the employee must inform their manager as soon as reasonably possible.

Breaches of privacy/confidentiality arising during the course of telecommuting will be assessed on their individual facts and may result in disciplinary action up to and including the termination of employment.

The telecommuting employee should familiarize themselves with the University Guideline Regarding Security for Personal and Other Confidential Information, as well as their Divisional Privacy Policy.

## **RESPONSIBILITY FOR LOSS AND LIMITATION OF LIABILITY**

The telecommuting employee is wholly responsible for any personal injury or accidents involving any other individuals (e.g., residents, visitors), or for any loss or damage to the personal property of such other individuals, in the remote workspace or the dwelling in which it is located.

The telecommuting employee shall indemnify and save harmless the University, its governors, officers, employees and agents, from any and all claims and/or any and all liability arising out of the employee performing their duties at the remote workspace, except to the extent, if any, that such claims or liability are caused by the negligent act or omission of the University, its governors, officers, other employees or agents.

## **INFORMATION SECURITY**

The telecommuting employee is responsible for protecting University data by adhering to the Provost's [Guidelines on the Appropriate Use of Information and Communication Technology](#). Telecommuting employees must comply with all University guidelines to protect University data and the use of computer hardware and software, including, but not limited to:

- Using strong passwords as required for UTORid and other departmental accounts. Do not use the same password for more than one service i.e. the UTORid password must not be used for any other service.
- Encryption of data storage on PCs, laptops, mobile devices, USB keys. See the following site for instructions on setting up encryption: [Setting up encryption](#).
- Using a University-sanctioned VPN (virtual private network) to securely connect back to University systems.
- Store sensitive documents on Office 365 or local area network storage, not local devices. Sensitive documents temporarily stored on a local device must be copied to an approved location (Office 365 or local area network storage) and deleted after use.
- Devices being used to perform University work must be up-to-date with patches and have current anti-malware software installed and configured.
- University work should be performed on devices running current versions of software.

The telecommuting employee must report any data security breaches to their manager and local IT department as soon as reasonably possible.

Additional information can be accessed on the [Security Matters](#) site.

Please consult with your Information Technology Services (ITS) contact for more information.

# B | APPENDIX B:

## TELECOMMUTER REMOTE WORKSPACE SAFETY CHECKLIST

The remote workspace should, to the extent possible, provide the same level of health, safety and security that an employee would receive at a regular work office. Employees working in a remote workspace are responsible for assessing that worksite for existing or potential problems and for taking corrective steps, in consultation with the [U of T Environmental Health & Safety Office where appropriate](#). In order to prevent the development of unsafe or unhealthy working conditions, employees are advised to consider the list below with respect to their remote workspace. For more information, please visit the U of T [Environmental Health & Safety website](#) or call (416) 978-4467.

### EMERGENCY PROCEDURES

- Emergency contact numbers are posted near the phone
- Emergency evacuation route for my home office
- Emergency contact information provided to Supervisor
- First aid kit that is fully stocked and inspected periodically
- Smoke detector located in home office area that is fully functioning, test and change batteries every six months
- Fully functioning carbon monoxide detector, test this device and change the batteries every six months
- There is a fire extinguisher that is: easily accessible, fully charged, seal is unbroken, proper class, visually inspected monthly, professionally inspected annually

### ELECTRICAL SAFETY

- Adequate surge protection is utilized with all electrical equipment
- Outlets are not overloaded
- Power bars are used in place of extension cords where possible. If extension cords are used they are CSA approved and grounded by three prongs
- Electrical cords in good condition and working properly
- Electrical cords neatly secured, out of the way, and anchored when possible
- Minimal clutter around all electrical equipment (for ventilation purposes)
- Electrical panels are properly covered and easily accessible
- Lighting is working properly and appropriate bulb wattage is used

### OFFICE ERGONOMICS

- Review of ergonomic tips on setting up workstation ([Environmental Health & Safety website](#))

### WORK ENVIRONMENT

- All furniture is free of sharp edges & materials are safely stored
- Drawers/ doors are kept closed when not in use
- Neatly organized and free of tripping hazards
- Shelves are not overloaded and there are no heavy objects stored above shoulder height
- Lighting enables effective work & enough space to work effectively