

RETURNING TO THE OFFICE: CONSIDERATIONS FOR LEGAL WORKPLACES



**THE CANADIAN
BAR ASSOCIATION**



Returning to the Office: CONSIDERATIONS FOR LEGAL WORKPLACES

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CBA developed this resource to help your law firm or organization transition back to in-office operations once permitted by the province/territory where you practice. The health and safety of your people and your clients remain paramount. You should continue to refer to your region's Health Officer and government notices for the latest protections, contact restrictions, and re-opening plans, and adapt your return to the office plan accordingly.

The information provided in this document assumes that physical distancing requirements will remain in place for the foreseeable future and that small gatherings (up to 10-15 people) will be permitted in the first phase of re-opening.

This resource was developed with contributions from CBA staff, members and firms, human resources professionals, and leading Canadian and international organizations. We will update it as new information becomes available, and if you have any questions or comments regarding the content please contact your Executive Director.

YOUR PEOPLE

The people in your firm or organization are your most important asset. So, let's start with them.

What to ask

The pandemic has been a time of continual change, and any return to the office will require adjustment. Your plan needs to work for your people. If you know their individual circumstances and create a plan to incorporate them, your people are more likely to support the changes and be motivated in their return to the office.

Through individual or department meetings or surveys, you may wish to find out:

- Any health considerations or high-risk factors that need consideration when returning to the office. You can anticipate that your 70+-year old partners and anyone with an auto-immune condition will need a different plan, as will younger people who live with higher-risk individuals.
- What caregiver/parenting responsibilities do people have and what do they need? Continuing to work from home or adjusting in-office hours might work for those whose children aren't in school.

International Tip:

You may find this **decision tree** helpful as you conduct conversations with your employees.

It was shared by a Danish law firm that specializes in employment law.

- How do your people get to the office? Mass public transit? Do they have access to a car? Could they drive if they had access to parking?
- What would help people get their work done? Some may need to be back in the office earlier in order to increase and improve their work product, which could also improve their mental health.
- Who are the key people who need to return to the office as soon as possible? A high-performing lawyer who works most effectively in the office? Staff members that require supervision or are under performance management? A bookkeeper whose operations rely on paper?
- Are there any elements of the work from home routine that your people would like to retain going forward?

With this information, you can now move on to other considerations to support your people in their return to the office. However, be conscious of privacy laws when collecting, using, disclosing, and retaining personal information.

In-office schedules

Anyone who can effectively work remotely should continue to do so until further notice.

For staff returning to the office, you may wish to revise their working days or times by implementing:

- shift work (e.g. 6am – 2pm, 10am – 6; 2pm – 10pm);
- alternating schedules (e.g. Group One: Monday, Wednesday, Friday; Group Two: Tuesday, Thursday); or
- staggered arrivals and departures to minimize the number of people entering and exiting the office at the same time.

Many staff will have worked from home effectively during the last few months. Can this be a “new normal” for some?

Managing the changes

Expect that your people may feel anxious, stressed or fearful about returning to the office. Clearly communicating what you have done and what you expect from your people will assist to establish a sense of trust within your workforce. Here are some ideas to consider:

- Develop clear communications such as “Frequently Asked Questions,” safety etiquette guides, office protocols, etc. in posters, e-mails or webpages. There are available resources from [Health Canada](#) or the [Center for Disease Control](#).
- Assign back-to-the-office ambassadors who can answer questions, conduct tours and provide instructions for using the newly re-configured office space.

- Designate leaders to monitor the wellbeing of staff and any changes in office culture (such as a human-resources lead, office manager, student or associate director or managing partner).
- Be clear about your expectations. Let your staff know that some of these measures are temporary and to be prepared for adjustments. Empower staff to take responsibility for those tasks within their control.
- Create a COVID-19 taskforce with some key personnel that can keep researching and updating your firm or organization's protocols.
- Encourage your people to continue to prioritise their mental health. Highlight any Employee Assistance Program in place to address COVID-19 related issues and take advantage of the CBA Wellness programs and resources available at: cbabc.org/wellness

Health policies and protocols

It is important for your existing health policies and protocols to be updated so that they align with any transitional or long-term arrangements supporting your return to the office. You may wish to consider the following questions:

- How will you adjust policies to address:
 - requests for staff to monitor symptoms or check temperatures prior to attending the office?
 - employees with children at home because there is no school or daycare available?
 - conscientious objectors who don't feel comfortable coming to the office?
 - employees with family members/close friends that are symptomatic or diagnosed?
 - employees who are caregivers or have family members who are immunocompromised?
 - employees who are showing signs of infection, but which could be a common cold or allergies?
- Do you have contractors who are not covered by your policies? What happens if they start showing symptoms, have close family members who have tested positive, are immunocompromised, etc.?
- What happens if your leadership team is affected by the virus? Consider keeping key partners isolated from one other to reduce the risk of having them affected by the virus at the same time.
- What is your protocol if one of your people tests positive? Communicate the procedure so they are ready to comply immediately.
- Do you have the ability to contact trace third parties that have been in contact with one of your people who tests positive?
- Do you have an area where your people/clients can be isolated and exited if they show symptoms at the office?

Other policies

As you make your return to the office plan, don't forget to update your supporting policies:

- Working from Home
- Care days/sick leave
- Vacations from Work (any changes to "carry-over" policies or approval procedures?)
- Travel for Work

Consider adding a note to your employee communications, such as "All policy changes and adaptations are made with consideration for employees' well-being, to the best of our knowledge, as of the date of implementation."

Be upfront and communicate delays or changes in normal processes:

- Recruiting/hiring
- Performance management
- Awards & recognition

YOUR OFFICE

The plan for your physical premises will vary depending on your office space, and the directions and support of your landlord or facilities manager.

Cleaning and sanitizing

The biggest impact to your physical space will be increased sanitizing and disinfecting procedures. Here are some suggestions to help reduce virus transmission risks:

- Consider hiring full-time custodial staff to perform constant cleaning or increase the cleaning frequency. In this “new normal,” it is acceptable and even comforting to see cleaners during the workday.
- Make hand sanitizer available in common areas and encourage hand hygiene.
- Implement a “clean desk policy” to avoid accumulation of personal effects and paperwork, and allow for thorough night-time surface cleaning.
- Remove magazines and other literature from reception areas.
- Clean high-touch areas (door handles, light switches, stair railings) and shared office equipment like phones, copiers and printers, expense recovery systems coders, fax machines and postage machines frequently and visibly. Keep disinfecting wipes near that equipment to allow people to disinfect before using it.
- Establish a protocol for cleaning meeting rooms immediately after meetings and allow time between bookings for that cleaning.
- Implement a standardised system to indicate where an area or equipment has been cleaned or requires cleaning – e.g. colour coded place card or post-it note.
- Reconsider “hotelling” or rotating space where people share phones, headsets, computers keyboards, pens, staplers or any other desk items. If you continue, provide disinfecting wipes for people to clean before using the equipment.
- Implement modified seating in reception and meeting rooms. Assign seats and materials to each person for day-long sessions to avoid multiple people touching surfaces or items.
- Centralize trash and recycling bins to increase the frequency of disposal and free up time for custodial staff to complete additional cleaning protocols.

International Tip:

If you continue with shared offices or workstations, consider what some French law firms are doing.

“Red Light/Green Light”:
A cleaned workstation has a green sheet of paper, and a station that has been used and not cleaned has a red sheet.

- Can you adjust air circulation to avoid certain high traffic areas or keep air circulation to separate “wings” to reduce droplet transmission?
Can windows be opened to allow for fresh air?
- Can you order additional supplies prior to returning to the office? In some places there may be an insufficient supply of hand soap, dishwasher detergent, hand sanitizer, disinfecting wipes, and paper products: tissues, paper towels and toilet paper. Be sure you have enough before you return to the office.
- Allow clients to keep stationary (e.g. pens, pads, etc.) or use colour coded containers to indicate those that have been used vs sanitised.
- Discuss what is the best way to handle incoming mail and other deliveries. e.g., designate one person to open mail, wearing PPE, once a day. According to the New England Journal of Medicine, the coronavirus that causes COVID-19 has a lifespan of about 24 hours on cardboard. So, if it’s not urgent, let the items sit for 24 hours.
- As a longer-term initiative, consider changing fixtures to “hands-free”: faucets, soap and paper towel dispensers, automatic doors, badge readers and garbage/recycling bins.

Personal Protective Equipment (PPE)

PPE includes face masks, gloves and potentially goggles or a face shield. Follow the guidelines of Health Canada and your provincial/territorial Health Officer about recommended practices before you implement any practices in your office.

Be sure to explain to your people and clients what practices you are following and why. Where you require that PPE be worn, be clear on who is responsible for supplying that PPE and provide instructions on how to properly put on and remove PPE.

Regardless of your new practices, some of your people may choose to wear their own or additional PPE when returning to the office to protect them from the transmission of germs through contact and droplet routes. Respect those individual views to the extent possible.

To support legal workplaces providing masks to their people and clients, CBA has sourced non-surgical supplies of cloth and disposable masks for bulk purchase. Contact your local branch to order.

Lunchrooms and food supply

The lunchroom or kitchen, with common touchpoints such as a faucet, fridge, water cooler, dishwasher, microwave, cutlery and dishes, presents challenges for sanitizing and physical distancing. Approaches to this issue will vary and could include:

- Close the lunchroom entirely.
- Eliminate seating but permit the use of the fridge.
- Ask your people to bring their own cutlery/cups or switch to disposable utensils/cups.
- Consider setting staggered lunch hours for people to use the lunchroom.

- Require that all food delivery be dropped off or collected outside the office to minimise the number of third parties within the office.
- Make disinfecting wipes available to clean fridge handle, microwave, faucets, etc.
- Limit beverage services or provide disposable cups / bottled water for clients.

If your office routinely hosts business meals or provides food to staff, consider eliminating buffets or self-serve and instead arrange for pre-packed individual food. Be sure to let providers know how you are receiving those deliveries.

Physical distancing

Maintaining a 2-metre physical distance has been identified as a key factor in reducing the spread of COVID-19 and it should be a key element of your return to the office plan.

- Consider the provincial/territorial restrictions about numbers of people in a space. How many people can you, therefore, have on a floor or in a wing? Some authorities overseas have suggested that there should be no more than one person for each 4m² of office space.
- Consider installing a plexiglass shield at the reception desk. Plexiglass may also be used to separate the client and any lawyer or staff meeting with the client.
- To help everyone follow a two-metre distancing requirement, physically mark it on the floor:
 - from the seat in an office or workstation
 - in reception
 - in the boardroom and meeting rooms
 - in front of an elevator
 - in the elevator
 - in the kitchen
 - wherever there could be a line or staff cross-over (photocopier, elevator, washroom).
- In the case of narrow hallways, consider marking one-way directional routes (e.g. clockwise) or establish a one-person-only in a hallway rule.
- CBA has produced complimentary, [downloadable sign templates](#) that legal workplaces are welcome to print and post in their offices.
- Consider closing off social and other non-critical areas.
- Identify areas that won't be in use in order to maintain the requirements. Lock doors or remove chairs from workstations, reception or the boardroom (this also helps the custodial staff clean only what is necessary), place signs, indicate it on a floor plan and circulate it to your people.
- If you don't have space to store unused furniture, ask your landlord or co-tenants if they have any unoccupied space. Some offices may not be returning to work yet. Otherwise, look into getting monthly storage space off-site.
- Consider installing shields between workstations or re-orient workstations, so employees do not face one another.

- Consider which doors could be left open, while still maintaining security and confidentiality, and adhering to fire codes.

Parking

When you know about the changing needs of your people, reconsider parking allotments:

- Do you have enough staff parking to accommodate those who need to drive?
- Are there people who would give up their spot to benefit others who need it?
- Can you alternate days for staff to come into the office to free up parking spots?
- Can you lease more parking spots in the building? In nearby parking facilities?

Communications

Once you've determined the required changes for your physical premises, clearly and transparently communicate these to staff. Installing signs on doors, in elevators and/or reception areas that identify the measures in place will provide information and assurance.

Be sure to also inform key stakeholders of any requirements affecting them including:

- visitors
- suppliers
- landlords
- other tenants (e.g. it is important to communicate and share protocols and expectations if you share common spaces, kitchen or bathroom facilities, office space or building floors with other tenants)
- contractors – such as janitorial staff and IT support
- insurer(s)
- Canada Post and other couriers (e.g. implement a designated drop-off area)

YOUR CLIENTS

Meeting Alternatives

Your clients are crucial to your business, so it is critical to re-introduce in-person meetings safely. Think about if, when and how you re-introduce in-office client meetings. Some considerations include:

- Can you meet by phone or video instead?
- By appointment only or may people walk in?
- Limited hours for in-person meetings?
- Is it possible for clients to wait outside the office until called for their appointment?
- Can meetings be held in outdoor areas (implementing necessary measures to ensure the confidentiality of discussions)?

Managing Expectations

Once you have established your plan, let your clients know the parts of the plan that affect or protect them in advance of attending by email or text.

A sample email has been provided below:

Dear client,

Regarding your appointment on XX, we want to let you know that our office is following strict guidelines to ensure staff and visitors' safety. This includes reduced amenities and enhanced cleaning requirements.

The physical office is only open to the public between the hours of 10 am and 2 pm, in order to allow for staggered work schedules and limit staff contact with third parties. Please ensure that you arrive for your appointment at the designated time.

We strictly observe physical distancing requirements. As such, our conference room has a reduced capacity of six people. We expect you will be attending your appointment with a maximum of two people. Please let us know if this not the case.

Changes have been made to our premises, and access to certain areas (including bathrooms) may be restricted. Elevators have a maximum capacity of two people. Please allow enough time to secure parking and wait for the elevator.

We ask all visitors to wear a non-medical mask. If you have one, you are welcome to wear it. If you don't have one, we will provide one for you.

Finally, we ask that if you are not feeling well, or are showing symptoms of illness please reschedule your appointment.

Yours sincerely,

Open communication will assure clients that their health and safety, and that of your staff, remains the top priority.