

Ask The Expert: When Employees Travel Without Company Approval



Employees who must self-isolate after returning from unauthorized travel aren't entitled to pay.

QUESTION

We implemented new policies asking employees not to do any non-essential traveling outside Canada for personal reasons. One of our employees defied the policy and visited their family in Pakistan, using their own vacation time. Now they're back and wants to return to work. What are our rights and duties to the employee?

ANSWER

First, you can probably discipline the employee. While restricting the personal travel rights of employees is problematic in normal times, it may be justifiable as a health and safety measure during the pandemic. You might also have grounds to discipline the employee for taking an unapproved vacation, assuming you didn't actually approve the vacation. The severity of the penalty will depend on the circumstances, including the employee's disciplinary record and the harm inflicted by the trip.

If you allow the employee to return to work, you must require them to self-isolate for 14 days. Exception: If they are an essential worker, you may have to let them return but keep them physically isolated, require them to self-monitor and wear a face mask at all times and be extra scrupulous in keeping their work space clean and disinfected.

You don't have to pay the employee for their time in self-isolation unless the contract, collective agreement or company policies or benefit plans require it. However, payment would likely be required for employees self-isolating after business travel that the company approves or requires.