

Keeping Spooky Season Where It Belongs: Essential Tips For A Smooth Holiday Season



With Halloween officially behind us, it's time to pitch the pumpkins, finish up that leftover candy, and pack up the spiderweb decor for another year. But beyond leftover treats and lingering decor are there any ghosts and goblins lurking that might keep things a little too spooky during the upcoming holiday season? By proactively addressing some key issues in the workplace employers are in a much better position to keep spooky season where it belongs and focus instead on the bright times of the upcoming holiday season.

Here are some practical and essential tips to consider if you're looking for a smooth holiday season in the workplace:

- **Understand how the Working for Workers Five Act impacts your workplace:**

New changes to the Employment Standards Act (ESA) and Occupational Health and Safety Act (OSHA) became effective on October 28, 2024. There are a few notable new changes that are very likely to impact your existing workplace policies and procedures. First, you probably already know that the ESA provides employees with three unpaid sick days per year. Following the new amendments to the ESA, you'll need to check your existing policies and practices as the ESA now prohibits employers from requesting that employees provide a medical note when using these sick days.

The Working for Workers Act also amended the definition of workplace harassment and workplace sexual harassment to include harassment that occurs virtually. The definitions of harassment now include the phrase "virtually through the use of information and communication technology". Given this new definition, it's critical that you ensure your policies, procedures, and practices (including any workplace investigation practices into these sorts of complaints) are up to date!

- **Plan ahead and be prepared for the busy season:**

The holiday season is traditionally a very busy time and workloads are often heavy. This is compounded by the holiday season also being a very popular time for vacations. If you see a personal or workload gap that needs to be filled, now is the time to hire, as it will become more difficult as you enter the holiday season to schedule interviews and train new hires. Given all of the changes we continue to experience in Ontario employment law, if it's time to hire, it's also a great time to have your employment contract reviewed and ensure it's up-to-date and legally

compliant.

- **Wrap up any outstanding to-do's:**

If there is a lingering investigation that you're yet to finish, a tough situation waiting for resolution, discipline to be issued or a performance improvement plan to be implemented, now is the time to do it. In this traditionally busy season filled with out-of-office bouncebacks, you start to risk delaying things until the new year if you don't get them completed soon. While some workplace issues have hard and fast deadlines or risk being undermined by undue delay, even those that don't have a specific deadline shouldn't be put off until the holidays. In our experience, minor issues can often take on a life of their own when tackled during the holiday season as employees tend to feel that the issue puts an unneeded strain on their ability to be present with family and friends during the season.

- **Timing is everything, so if possible, avoid terminations:**

Most of us know that the holiday season, while joyous in many ways, is also very stressful. It also goes without saying that terminations are typically a universally stressful affair. In our experience, simply put, terminating during the holiday season amps up the emotion involved and may unnecessarily push a recently terminated employee toward formal action. Proceed with caution when it comes to timing and as always ensure you understand what an employee may be owed upon termination before making a decision that could become complicated and expensive.

By following the simple tips outlined above and proactively preparing for the holiday season, you're likely to leave spooky season firmly in the rearview mirror.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Author: [Tiffany Thomas](#)

Spring Law