

## Member's Quarterly

## Fall 2025 Edition

### Feature

## Health and Safety Meets Reductions in Force

### *Navigating the Impacts of U.S. Tariffs*

With the imposition of tariffs by the current U.S. Administration, Canadian employers are being faced with difficult decisions regarding how best to manage the financial strain. Some are necessarily assessing the need for workforce reductions or temporary layoffs – and so often those discussions start and end with who shall be impacted and when, to minimize risks and maintain maximum flexibility for growth. Then what happens to employees who continue to work after the reduction in force adds pressure to continue operations with less personnel? Savvy employers know they have an ongoing obligation to ensure the health and safety of their workplace and workforce under applicable occupational health and safety legislation. Ensuring workplace health and safety must remain top of mind, when fatigue and burnout are more likely to become commonplace, particularly when operationally, employees may need to do more with less and societally, the world is once again adjusting to yet more “unprecedented times”. Equally important is the impact of employers suddenly having new technology or production demands, often requiring urgent hiring, and not always having adequate training in place, increasing the risk of workplace incidents for both new hires and their existing teams.

Considering the above, we have compiled a list of best practices to help mitigate workplace health and safety risks in respect of reduced workforces.

### 1. Refresh the Workplace Health and Safety Policy

People need to know where to bring issues that inevitably arise. Employers should ensure they have a Workplace Health and Safety Policy and Program that is current, and make sure employees are getting refresher training so they are both aware of it and able to understand the policy and program. Consideration should also be given to upgrading these policies and programs to clearly set out complaint procedures, and a specific contact person in charge of receiving and responding to employee questions or concerns.

### 2. Assess Current Workplace Hazards

Assess the new normal. Employers should ensure that a recent assessment of workplace hazards has been conducted in the context of a reduced workforce, particularly where it constitutes a significant change in the workplace. There may be hazards that only become hazards with a reduced workforce (e.g., someone newly working alone).

### 3. Update Employee Records (Hours of Work)

Know who is currently working and when, and then update your record keeping accordingly. With a reduced workforce, hours of work and, specifically, excessive working hours and time off between shifts, will be some of the biggest concerns in the transition as people take on more. Employers need to ensure they know who is triaging the work of their former colleagues, and keep accurate records of who ends up working what hours. Remember maximum hours of work still apply, and employees have increasing rights to disconnect. For example, in Ontario, employers with 25 or more employees must have their Right to Disconnect Policy in place, as prescribed by the Ontario *Employment Standards Act, 2000*, and should take steps to ensure employees are aware of their limits on work.



**Dan Palayew**  
LL.B.

Partner,  
Borden Ladner  
Gervais LLP



**Kate Agyemang**  
J.D.

Senior Associate,  
Borden Ladner  
Gervais LLP

## Member's Quarterly

## Fall 2025 Edition

### Feature continued

#### 4. Explain Employee Resources

Now is a good time for a refresher on the good tools you have already put in place to provide real support to your team when they need it. Whether or not psychological safety is explicitly recognized as a health and safety requirement in your province, ensuring employees are reminded of the availability of assistance in transitions is paramount to helping them stay healthy. Make sure your team knows what supports are available and how to access same. Do they know they have access to internal help, external virtual programs or an EAP line? Maybe. Do they know what exactly that means? Maybe not. For example, are they aware an EAP line can typically offer specific types of pragmatic support, like same-day counselling, tailored career planning, professional coaching/advisors, and direct local community resources for eldercare or childcare, etc.?

#### 5. Communicate Transparently

During the COVID-19 pandemic, employers saw first-hand that when there is uncertainty, employees suffer from all kinds of physical and mental health crises and general overwhelm; change - especially "unprecedented social and economic change"- is hard. Therefore, as everyone attempts to address varying tariffs and the potential impacts on business, careful attention needs to be paid to assist employees. Here are steps that can help:

Be up front: Share a reasonable amount of information about the business. While not all information can be shared, be transparent about both the state of the business and the plans in place to address business challenges to the extent possible. This can ease employee anxiety by letting them know that management is watching events, has a plan for dealing with the future, and that the transition is being effectively managed. Silence is ominous at best and decidedly dangerous at worst.

Be clear about new tasks, priorities, reporting lines and responsibilities in light of the reduction in force. Recognize the transition period you are in and that supporting the team during this period is a top priority.

Work with employees to develop realistic project goals and work plans to create manageable workloads in light of new operation setups. This means taking into account timelines and capacity on an ongoing basis to triage effectively, which itself requires encouraging a feedback loop from the employees to make changes as they identify issues and adjust.

Make sure employees are actually using their vacation time. Everyone will need time to adjust to the new normal, and societal changes take a toll - even if work is going well. Encourage your team to book their vacations in order to build in health and balance in the transition.

Encourage feedback. This may mean you bolster or implement a mentor program or add in more informal 1:1 check-ins without a fixed timetable. Create the space to get the information you need, and to listen to where the pain points are so you can address them. Use these moments to recognize individual contributions.

#### Take Aways for Employers

The fear of job insecurity weighs heavily on employees as notifications of still more tariffs, headlines about global workforce reductions and dramatic stock markets ping in across their devices. In this climate, being prepared with real strategic planning, open dialogue, and pragmatic support can create an employer's greatest asset: a healthy and productive workforce.

*Dan Palayew is Partner/Regional Leader, Labour & Employment Group with Borden Ladner Gervais LLP and can be reached at [dpalayew@blg.com](mailto:dpalayew@blg.com).*

*Kate Agyemang is Senior Associate with Borden Ladner Gervais LLP and can be reached at [kagyemang@blg.com](mailto:kagyemang@blg.com)*