

Clarification Regarding Eligibility for Employment Insurance (EI) Sickness Benefits

After repeated calls to Service Canada, and being on-hold for 4 hours yesterday and again since 8:30 am this morning, we finally have confirmation of the following: In addition to public health officials, employers also have the authority to direct or authorize employees to quarantine or self-isolate. The employee would be eligible for EI sickness benefits. Employers are advised to use Code D (Illness or Injury), and **do not** include comments in the ROE under **Box 16- Reason for Separation**. Entering comments will not allow the system to automatically process the claim and will cause the ROE to be pulled from the automatic processing queue for review by an agent, slowing down the process.

The employee is required to adhere to the direction of their employer and quarantine at home. Employers may direct an employee to self-isolate for the following reasons:

- If the employee is returning from an international trip, regardless of whether the employee is showing any symptoms (COVID-19 related symptoms or no symptoms at all). Even if the employee is not showing symptoms, they were abroad and Canadian public health authorities have imposed that individuals returning from abroad must quarantine. Therefore, this is considered an employer directed quarantine and the employee is eligible for EI sickness benefits.
- If the employee is sick/ill and showing only one or two symptoms of a cold or flu (COVID-19 related or not). The employee is considered to be potentially sick. Again, as it is the employer directing the employee to quarantine or self-isolate, therefore, the employee is eligible for EI sickness benefits.

Where an employee chooses to self-isolate for reasons related to COVID (i.e. they are concerned for their own health, they have a compromised immune system, or they are concerned with spreading the illness to family member(s) that may potentially get sick) – situations such as this is still under review. The employee may still be eligible for EI sickness benefits. Service Canada requires the employee to first apply online for EI sickness benefits and thereafter, contact Service Canada to discuss their situation further. Service Canada will determine if the employee would otherwise be available for work and will make the decision with the employee on the phone.

At this time, Service Canada is taking all claims for EI sickness benefits at face value and is not requesting a medical certificate. The normal waiting period of one week is waived – the waiting period is the unpaid period of time where the employee would normally not be eligible to receive any EI benefits. Employees are encouraged to submit an online application for EI sickness benefits, even if their employer has not yet submitted the ROE. However, it is imperative as an employer to submit the ROE as soon as possible to at least within 5 days (see below). Once the employee has completed an application, they are required to call Service Canada and give their acknowledgement to the following statement:

“You are currently unable to work due to the Coronavirus. The quarantine was imposed by a health official for the health and safety of the public at large and you were asked by your employer, a medical doctor, a nurse, or another similar person in authority to not attend work. There are no requirements to provide a medical certificate. You are required to notify Service Canada immediately, if there are any changes to your situation as it may impact your entitlement to Employment Insurance benefit.”

Upon receiving acknowledgment of the above declaration, Service Canada will waive the one week waiting period and the employee will receive EI sickness benefits for the full 14-day quarantine.

What is my deadline for issuing an ROE?

If you issue ROEs electronically and your pay period is weekly, biweekly (every two weeks), or semi-monthly (twice a month, usually the fifteenth and last day of the month), you have up to **five calendar days after the end of the pay period** in which an employee's interruption of earnings occurs to issue an electronic ROE.

Should my employee apply for EI Regular Benefits or EI Sickness Benefits?

The main difference between applying for regular EI benefits and EI sickness benefits is as follows:

Regular benefits: The employee is ready and able to work but is unable to work through no fault of their own i.e. the employer tells the employee not to come into work due to a shortage of work or shutdown due to COVID-19.

- The employee should apply for regular benefits. The employer is to use **Code A** (Shortage of Work, Layoff) on the ROE.

EI Sickness benefits: The employer tells the employee not to come into work and that they need to quarantine themselves at home for 14-days because they have either,

- come back from abroad, or
- because they might potentially get sick, or
- they may potentially spread illness to others (they are showing one or more symptoms although the employee has not been assessed by a public health official)

In the scenarios above, the employee may be showing at least one or no symptoms. The main point to note here is that, the quarantine or self-isolation has been directed by the employer. The employer is to use **Code D** (Injury/Illness) on the ROE.

Resource Corner

COVID-19 Self-Assessment Tool
<https://www.ontario.ca/page/2019-novel-coronavirus-covid-19-self-assessment>

Public Health Ontario
<https://www.publichealthontario.ca/>

Canadian Center for Occupational Health and Safety (CCOHS) - Pandemics
<https://www.ccohs.ca/topics/hazards/health/pandemics/>

We recommend that employers provide the following resources to their employees:

- Telehealth 1-866-797-0000
- Phone number for your local Public Health Department
- Phone number for your local hospitals