

JUST ANNOUNCED: Regulatory amendment to Infectious Disease Emergency Leave

Today, the government announced that it has enacted an amendment to the *Infectious Disease Emergency Leave*. This new regulatory amendment provides that all non-unionized employees who have had their hours temporarily reduced or eliminated due to COVID-19 will be deemed to be on the *Infectious Disease Emergency Leave*. The Regulation applies for the COVID-19 period, retroactive to March 1, 2020 and will run until six weeks after the emergency order declared by the province is terminated or disallowed.

What does this mean for employers as it relates to temporary layoffs?

This means that businesses will not be forced to terminate employees after a temporary layoff period expires (i.e. 13 weeks or 35 weeks if you have continued benefits). The new regulatory amendment essentially helps businesses as terminations can be costly as they occur when temporary layoffs exceed the timeframe under the ESA. The change will give employers time to put plans in place to recall their employees. Employers are required to bring back their employees to their pre-crisis job or a comparable job.

What does this mean for employers who had to reduce their employee's hours?

If employers had to reduce their employee's hours due to COVID-19, the amendment states that this would not amount to constructive dismissal under the Act. However, it could potentially constitute constructive dismissal under common law.

Does this mean that employers cannot terminate employees?

No. Employers can still terminate their employees if they have to (i.e. if there was a business closure). Please call us if you have any questions.

Should I ask my employees to get tested for COVID-19?

With more businesses opening and employees returning to work, concerns of COVID-19 entering the workplace are a top priority. We have received several calls from employers asking if they should send their employees to get tested for COVID-19. There are several factors to consider before implementing any sort of mandatory testing requirements. **Give us a call to discuss your options.**

COVID-19 Assessment Centers and Testing

Testing is available for:

- All people with a least one symptom of COVID-19, even those with only mild symptoms.
- People who do not have symptoms and who are:
 - concerned they have been exposed to COVID-19 including people who are contacts of or may have been exposed to a confirmed or suspected case.
 - at risk of exposure to COVID-19 through their employment, including essential workers (e.g. health care workers, grocery store employees, food processing plants).

No Ontarian who is symptomatic or who is concerned they have been exposed to COVID-19 will be declined a test at an assessment center (either through appointment or walk-in, per the processes of each individual assessment center). Each assessment center has a different process. Reach out to your local center for more information.

BACK BY POPULAR DEMAND!**We've added more training dates!**
COVID-19: Understanding the H&S Guidelines Live On-Line Zoom Training

It is critically important for all businesses to implement Health & Safety practices within their workplaces to mitigate any risks as it relates to COVID-19. It can be very overwhelming for businesses preparing to re-open and/or bring back laid off employees, to make decisions on what H&S practices they need to implement. Being informed on what you need to do right now is absolutely critical so please join us for the following live Zoom training session. This training session is also intended for businesses that have continued to operate throughout the crisis.

When: Thursday, June 11th: 9:00 a.m. – 12:00 p.m.

Fee: \$75 (+HST) per participant-\$20 will go to two local non-profits

Please see the attached registration form or call our office for more details.

need help?

If you need help understanding recent legislation updates or assistance with any other compliance issue, contact HR Performance & Results today!