COVID-19: Recent Update - Tuesday, September 8, 2020

COVID-19 Period has Been Extended to January 2nd, 2021

Released September 8th, 2020

Employers are no longer required to recall their employees on or before September 4th.

At the 11th hour, the Ontario government made a significant change to *O. Reg. 228/20: Infectious Disease Emergency Leave*. Earlier last month we brought your attention to changes to the regulation affecting temporary layoffs. Employers who had temporarily reduced their employee's hours or wages due to COVID-19 were told that they must recall their employees on or before September 4th, 2020. On Friday, it was announced that this regulation has now been amended, extending the COVID-19 period to January 2nd, 2021.

During the COVID-19 period (March 1st, 2020 to January 2nd, 2021)

- Employees whose employer has temporarily reduced or eliminated their hours of work for reasons related to COVID-19 are deemed to be on job-protected *Infectious Disease Emergency Leave (IDEL)*.
- > Employees are not considered to be laid off if their employer temporarily reduces or eliminates their hours of work or wages for reasons related to COVID-19.
- Employees are not considered to be constructively dismissed under the *ESA* if their employer temporarily reduces or eliminates their hours of work or wages for reasons related to COVID-19.

Beginning on January 3rd, 2021

- Employees will no longer be deemed to be on Infectious Disease Emergency Leave (IDEL).
- Employers who had temporarily reduced their employee's hours or wages due to COVID-19 must recall their employees on or before January 3rd, 2021.

If an employer cannot recall employees back to work or restore their wages by January 3rd, 2021, they have the following three options:

- 1. Terminate the employee on or before January 3rd, 2021
 - ESA provisions governing termination and severance of employment will apply.
- 2. Continue the employee on a temporary layoff beyond January 3rd, 2021
 - ESA provisions governing temporary layoffs, as well as those pertaining to termination and severance of employment, will apply (i.e. 13 weeks in a 20-week period, which can be extended up to 35 weeks in a 52-week period).
 - An employee's temporary layoff clock re-sets on January 3rd, 2021.
- 3. Continue the employee on the unpaid, job-protected Infectious Disease Emergency Leave (IDEL)
 - As long as COVID-19 is designated as an infectious disease under the ESA, employees are entitled to take
 Infectious Disease Emergency Leave for reasons listed here.

Contact a member of our team before you make a decision to discuss your options and minimize your legal exposure.



Date: Thursday, September 10th, 2020
Time: 3:00 p.m. - 4:00 p.m.

Register: http://barriechamber.chambermaster.com/events/details/free-workshop-hrworkplace-scheduling-required-accommodations-4972

Sector-specific Health & Safety Guidelines, Posters and Tip Sheets
https://www.ontario.ca/page/resources-prevent-covid-19-workplace
Canada Emergency Wage Subsidy (CEWS)
https://www.canada.ca/en/revenue-

HRPAR & Barrie Chamber of Commerce presents...

1-hour Free Zoom Webinar on:

Workplace Scheduling & Required Accommodations

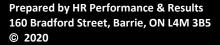
agency/services/subsidy/emergency-wage-subsidy.html

COVID-19 Self-Assessment

https://covid-19.ontario.ca/self-assessment/

When and How to Properly Wear a Mask
https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/when-and-how-to-use-masks

How to Properly Wash Your Hands
https://www.who.int/gpsc/clean hands protection/en/



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Source: <u>www.ontario.ca</u>