

Released March 19th, 2020

The Ontario Legislature has passed the *Employment Standards Amendment Act (Infectious Disease Emergencies), 2020* to provide job-protected leave to employees in isolation or quarantine due to COVID-19, or those who need to be away from work to care for children because of school or day care closures or to care for other relatives.

Job-protected Leave

The act provides job protection for employees unable to work for the following reasons:

- The employee is under medical investigation, supervision or treatment for COVID-19.
- The employee is acting in accordance with an order under the *Health Protection and Promotion Act*.
- The employee is in isolation or quarantine in accordance with public health information or direction.
- The employer directs the employee not to work due to a concern that COVID-19 could be spread in the workplace.
- The employee needs to provide care to a person for a reason related to COVID-19 such as a school or day-care closure.
- The employee is prevented from returning to Ontario because of travel restrictions.

An employee will be able to take infectious disease emergency leave to care for the following individuals:

- The employee's spouse.
- A parent, step-parent or foster parent of the employee or the employee's spouse.
- A child, step-child or foster child of the employee or the employee's spouse.
- A child who is under legal guardianship of the employee or the employee's spouse.
- A brother, step-brother, sister or step-sister of the employee.
- A grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse.
- A brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee.
- A son-in-law or daughter-in-law of the employee or the employee's spouse.
- An uncle or aunt of the employee or the employee's spouse.
- A nephew or niece of the employee or the employee's spouse.
- The spouse of the employee's grandchild, uncle, aunt, nephew or niece.
- A person who considers the employee to be like a family member, provided the prescribed conditions, if any, are met.
- Any individual prescribed as a family member for the purposes of this section.

The Act also makes it clear that an employee will not be required to provide a medical note if they need to take the leave. However, the employer may require the employee to provide other evidence that is reasonable in the circumstances, at a time that is reasonable in the circumstances. This could include such requests as a note from the daycare or for evidence that the airline cancelled a flight, but not a medical note.

These measures are retroactive to January 25, 2020, the date that the first presumptive COVID-19 case was confirmed in Ontario. They will remain in place until COVID-19 is defeated.

Who does this apply to?

Most employees and employers in Ontario are covered by the provisions in this legislation, whether they work full-time, part-time, are students, temporary help agency assignment employees, or casual workers.

It does not apply to people in sectors that fall under federal jurisdiction, including employees working for banks, airports, inter-provincial and international rail, and federal crown corporations.

Helping ensure the health and safety of Ontario workers and workplaces

Employers and workers in the health sector should be following the Ministry of Health [COVID-19 Guidance for the Health Sector](#).

Workers in other settings should be following the Ministry of Health's recommendations on how to protect yourself. For the most up-to-date information on how individuals can protect themselves and what to do if they suspect they may be at risk, please visit Ontario.ca/coronavirus.

Employer Obligations

Employers are required to report all occupational illnesses, including COVID-19, to the Ministry of Labour, Training and Skills Development in writing within four days. Employers are also required to notify their joint health and safety committee or a health and safety representative and a trade union, if they exist.

Source: news.ontario.ca

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The recent and increasing media attention surrounding the COVID-19 outbreak is fueling fear and anxiety around the world. Unfortunately, anxiety feeds on uncertainty, leading many people to feel helpless, powerless and overwhelmed. As employers and managers, it is important to instill a sense of calmness in the workplace in times of uncertainty such as these. It is also important to remember that what you say, how you say it and what you do will have a long-lasting effect on your employees. The following are a few strategies to address the emotional side of handling a crisis in your workplace.

Be Empathetic

Keep in mind that stress in times of uncertainty manifests differently in everyone. Reminding yourself that you do not know what other people are going through will help to keep you centered which will allow you to make the best decisions for your business and for your employees.

Be Innovative

Technology has made it possible for us to work anywhere. With video conferencing, email, and online chat, we can continue to work even if we are forced to do that from home. If you are operating from home, ensure you keep your meeting schedule with your employees, consider conducting daily check-ins and hold Town Hall Meetings. For employees who are unable to work from home and are self-isolating, use these tools to stay connected and to keep the lines of communication open.

Be Optimistic

Show your empathy, optimism and gratitude for the work your employees have done. Be thankful for their understanding. This sense of optimism and gratitude will allow solutions and new ideas to come through. Remind yourself and the people you lead that you will work on this together and you will get through this.

Be Grateful

Develop a gratitude mindset that people are doing the best they can in this time of uncertainty and when anxiety spikes, as it invariably will, remind yourself that empathy is key. By taking responsibility of your mindset, to be optimistic and find solutions, you are helping yourself and your employees.

Source: www.brookings.edu

Re-assure your employees that their health and safety is your top priority

- If an employee is experiencing symptoms, they should report this immediately to their manager or supervisor and seek medical advice from their doctor. If their doctor asks them to stay home, they should notify their manager immediately.
- If your employees are still at work and not self-isolating, they should be practicing social distancing. Social distancing behaviours include:
 - Keeping a safe distance (2 meters) from others wherever possible
 - Refraining from touching others' personal items, files or other surfaces wherever possible
 - Avoiding all forms of unnecessary physical contact including handshakes and hugs
 - Eating their lunches at their work stations, if possible, opposed to a communal lunchroom
- Continue to re-enforce the importance of handwashing and let your employees know where additional hand-washing stations and hand sanitizers will be made available.

If they are unable to work from home, encourage your employees to use their time at home while social distancing to spend time with their families and focus on their mental and physical well-being.

- Global Citizen and the World Health Organization (WHO) have launched a virtual concert series to promote unity amid the COVID-19 pandemic's social distancing protocols. "Together, At Home" will feature live performances from various musical artists via Instagram.
- Many museums, zoos, and theme parks offer free virtual tours and exhibits that are perfect for extra time spent at home while social distancing.
- Many gyms, yoga studios and social media influencers are offering free virtual work-outs to encourage people to stay active and keep their mental health a top priority while social distancing.

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