



Fast Facts

BULLETIN 44 | FRIDAY, SEPTEMBER 24, 2021

COVID-19: Recent Update

Ontario's Vaccine Passport Requirement Started Wednesday, September 22, 2021

Currently, Ontario's vaccine passport requirement started this week for all high-risk settings, requiring patrons to provide proof of vaccination before gaining entry into establishments unless they have proof of medical exemption. Establishments that must follow these mandatory requirements include: restaurants and bars (excluding outdoor patios, delivery and takeout), nightclubs, meeting and event spaces, facilities used for sports and fitness activities, sporting events, casinos and gaming establishments, concerts, music festivals, theaters, cinemas, strip clubs and racing venues. According to government guidelines, businesses that fail to comply with this requirement could be fined up to \$1,000, while individuals can be fined \$750. This requirement does not apply to essential businesses, such as grocery and retail stores.

What does this mean for employers and their employees?

Currently, the vaccine passport requirement applies to patrons of high-risk establishments not to the employees of those workplaces. This means that employers may choose to establish a vaccine passport

requirement similar to their choice to establish a mandatory vaccination policy, but it is not yet a government requirement. It is also critical that employers remember that employees may have legitimate medical or other grounds to refuse to vaccinate that may need to be accommodated.

For a full list of medical exemptions to COVID-19 vaccination, [Click Here](#).

OHRC Policy Statement on COVID-19 Vaccine Mandates and Vaccine Certificates

“While receiving a COVID-19 vaccine remains voluntary, the OHRC takes the position that mandating and requiring proof of vaccination to protect people at work or when receiving services is generally permissible under the *Human Rights Code* (Code) as long as protections are put in place to make sure people who are unable to be vaccinated for Code-related reasons are reasonably accommodated. This applies to all organizations.

Upholding individual human rights while trying to collectively protect the general public has been a challenge throughout the pandemic. Organizations must attempt to balance the rights of people who have not been vaccinated due to a Code-protected ground, such as disability, while ensuring individual and collective rights to health and safety.” – *Ontario Human Rights Commission*

For the complete policy statement including the duty to accommodate for medical reasons, [Click Here](#).

Deemed Infectious Disease Emergency Leave Extended to January 1, 2022

During the COVID-19 period, a non-unionized employee is **deemed** to be on a job-protected unpaid infectious disease emergency leave if their employer has temporarily reduced or eliminated their hours of work because of COVID-19. **The COVID-19 period has now been extended to January 1, 2022.** This means that an employee is not considered to be laid off or constructively dismissed under the ESA if their employer temporarily reduces or temporary eliminates their hours of work or wages for reasons related to COVID-19.

Starting January 1, 2022, the COVID-19 period will end and employees will no longer be **deemed** to be on unpaid infectious disease emergency leave. This means that regular rules around temporary layoff will resume and a significant reduction or elimination of an employee's hours of work or wages may be considered a constructive dismissal under the ESA. **Essentially, an employee's temporary layoff clock re-sets on January 2, 2022.**

Although employees will no longer be **deemed** to be on unpaid infectious disease emergency leave, employees may continue to be eligible for unpaid infectious disease emergency leave if they are unable to perform their job duties for the following reasons relating to COVID-19:

- The employee is under individual medical investigation, supervision or treatment related to a designated infectious disease
- The employee has contracted COVID-19 or because of mental health reasons relating to COVID-19
- An employee has left work to get a COVID-19 vaccination or is experiencing a side effect from the COVID-19 vaccination
- The employee is following a COVID-19 related order issued under section 22 or 35 of the Health Promotion and Protection Act
- The employee is in quarantine, isolation, or is subject to a control measure, and the quarantine, isolation or control measure was implemented as a result of information or directions related to a designated infectious disease that was issued to the public
- The employee is under a direction given by their employer in response to the employer's concern that the employee might expose other individuals in the workplace to a designated infectious disease
- The employee is providing care or support to a specified individual because the individual is under medical investigation, supervision, quarantine or isolation

For a full list of reasons an employee may be eligible for Infectious Disease Emergency Leave, [click here](#).

COVID-19 Worker Income Protection Benefit Extended to December 31, 2021

Employees may be eligible for up to **three (3) days of paid** infectious disease emergency leave until December 31, 2021. To be eligible for the **paid** infectious disease emergency leave, an employee must have an eligible reason for taking the leave and must not have certain paid leave

entitlements under their employment contract.

If an employee's employment contract provides a greater benefit than the paid infectious disease emergency leave standard under the ESA, the terms of the employment contract will apply instead of the standard in the ESA. This entitlement is in addition to employee's rights to **unpaid** infectious disease emergency leave. Paid infectious disease emergency leave is available for certain reasons related to COVID-19, including:

- Going for a COVID-19 test
- Staying home awaiting the results of a COVID-19 test
- Being sick with COVID-19
- Getting individual medical treatment for mental health reasons related to COVID-19
- Going to get vaccinated
- Experiencing a side effect from a COVID-19 vaccination
- Having been advised to self-isolate due to COVID-19 by an employer, medical practitioner or other specified authority
- Providing care or support to certain relatives for COVID-19 related reasons, such as when they are:
 - sick with COVID-19 or have symptoms of COVID-19
 - self-isolating due to COVID-19 on the advice of a medical practitioner or other specified authority

Employers are generally required to pay employees the wages they would have earned had they not taken the leave, up to \$200 a day for up to three days. Employers must make their application for reimbursement to WSIB within 120 days of the date the employer paid the employee, or by April 30, 2022, whichever is earlier.

Unpaid Infectious Disease Emergency Leave Extended to December 31, 2021

Employees may continue to be eligible for **unpaid** infectious disease emergency leave until December 31, 2021.

For more information, [Click Here](#).

Canada COVID-19 Benefits and Business Supports Extended

- Canada Emergency Wage Subsidy - eligibility period extended until October 23, 2021
- Canada Emergency Rent Subsidy - eligibility period extended until October 23, 2021
- Lockdown Support - eligibility period extended until October 23, 2021
- Canada Recovery Benefit (CRB) - extended until October 23, 2021
 - Number of weeks available for CRB have been increased by an additional 4 weeks, to total 54 weeks at a rate of \$300/week
 - A minimum benefit rate of \$300 for regular EI benefits for claimants whose benefit period begins between September 26, 2021 and November 20, 2021
- Canada Recovery Caregiving Benefit (CRCB) - extended until October 23, 2021
- Canada Recovery Sickness Benefit (CRSB) - extended until October 23, 2021

For more information, [Click Here.](#)

Blog



SEPTEMBER 24, 2021
HUMAN RESOURCES









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Why We Recognize September 30th

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Resources

-  [Sector-specific Health & Safety Guidelines, Posters and Tip Sheets](#)
-  [Canada Emergency Wage Subsidy \(CEWS\)](#)
-  [Canada Recovery Hiring Program \(CRHP\)](#)
-  [COVID-19 Screening Tool for Workplaces](#)
-  [Educating Employees on the COVID-19 Vaccine](#)
-  [COVID-19 Self-Assessment](#)
-  [When and How to Properly Wear a Mask](#)
-  [How to Properly Wash Your Hands](#)

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