



# Fast Facts

BULLETIN 45 | FRIDAY, OCTOBER 29, 2021

## COVID-19: Recent Update

### Employees Who Do Not Comply With Workplace Vaccination Policies May Not Be Eligible for EI

The Federal Government has recently updated their Employment Insurance guidance for employers in order to provide updated information on how to issue an ROE to employees who are not complying with mandatory workplace vaccination policies.

If an employee does not report to work because they refuse to comply with an employer's mandatory workplace vaccination policy, employers are to fill out the ROE using **Code E (Quit)** or **Code N (Leave of Absence)**. If an employer suspends or terminates an employee because they will not comply with a mandatory workplace vaccination policy, employers are to use **Code M (Dismissal)**. **The assessment of EI applications will continue to be on a case-by-case basis, however, this could potentially disqualify employees from receiving EI benefits.**

The updated guidance also informs employers that they may be contacted in order to determine:

- if they had adopted and clearly communicated to all employees a mandatory COVID-19 vaccination policy
- if the employees were informed that failure to comply with the policy would result in loss of employment
- if the application of the policy to the employee was reasonable within the workplace context
- if there were any exemptions for refusing to comply with the policy

## Proof of Vaccination: Requirements

As of September 22, 2021, individuals must provide proof of full vaccination against COVID-19 and personal identification in order to access certain businesses and settings.

**In order to enter certain businesses or settings, individuals must provide:**

- **a paper or electronic version of their PDF vaccination receipt, or a paper or electronic version of their vaccine certificate with the QR code, and**
- **a form of personal identification**

The proof of vaccination must show name, date of vaccination, and brand of vaccine received, and the document must not be altered in any way. Individuals who received their vaccines in Ontario can download their enhanced vaccine certificate with the QR code by [clicking here](#).

The form of personal identification must include name and date of birth, and **does not** have to be a Photo ID. Valid forms of personal identification may include a birth certificate, driver's license, a government-issued identification card, passport, citizenship card, permanent resident (PR) card, Indian Status Card, or Indigenous Membership card.

## Fraudulent Vaccine Certificates Circulating

As proof of vaccination requirements are implemented across Canada and employers continue to introduce workplace vaccination policies, online sellers are offering fraudulent vaccination documents for unvaccinated Canadians. Businesses must be aware of the valid forms of proof of vaccination and personal identification to verify, and can face fines ranging from \$1,000 up to \$10-million for not checking for proof of vaccination.

In Ontario, individuals who provide false or inaccurate information to a business about their vaccination status could receive a ticket for \$750. If the individual is charged under the Reopening Ontario Act, they could face a penalty of up to \$100,000 and up to one year in jail, if convicted.

# Ontario Government Introduces Proposed Legislation: *Working For Workers Act, 2021*

On October 25, 2021, the Ontario government introduced legislation that proposes some unique changes to employment standards legislation. The *Working for Workers Act, 2021*, would amend the *Employment Standards Act, 2000*, to ban non-compete agreements, and require businesses with 25 employees or more to develop disconnecting from work policies. Disconnecting from work policies may include employer expectations about response time for emails, such as not responding to emails after a certain time of day, and encouraging employees to turn on their out-of-office notifications when they are not working. If this legislation is passed, it would:

- Require employers with 25 or more employees to have a written policy about employees disconnecting from their job at the end of the workday. Employers would have 6 months from the date the legislation is passed to draft the policy, and would be required to provide a copy of the policy to employees within 30 days of the policy being finalized, or within 30 days of hiring new employees.
- Ban the use of non-compete agreements that prevent employees from taking new jobs with another business in the same field after they leave the company. This applies to employees only, not independent contractors, consultants, or partners of a business. This does not ban non-solicitation agreements.
- Require recruiters and temporary help agencies to have a licence to operate in the province to help protect employees from being exploited.
- Require business owners to allow delivery workers to use a company's washroom if they are delivering or picking up items.

For the news release about the proposed legislation, [click here](#). For additional details on the *Working for Workers Act, 2021*, [click here](#).

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## New Rules for Employment Insurance Benefits

### EI Sickness benefits

As a temporary measure due to COVID-19 until **September 24, 2022**, individuals must have accumulated **420 insured hours** of work (equivalent to 35 hours per week for 12 weeks) in the last 52 weeks before the start of a claim or since the start of their last claim, whichever is shorter, to qualify for sickness benefits.

## EI Regular Benefits

To qualify for regular benefits, an individual will need to have accumulated **420 insured hours** in the last 52 weeks or since their last claim, whichever is shorter. The benefit period will be at least 14 weeks or more (up to a max of 45 weeks) depending upon the unemployment rate in the region. This is also a temporary measure due to COVID-19 **until September 24, 2022**.

- After September 24, 2022, an individual may be eligible for EI regular benefits with 420 insured hours where the unemployment rate is 13.1% or more.

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## Government Benefits Ended October 23, 2021

As of October 23, 2021, the Canada Emergency Rent Subsidy (CERS), the Canada Emergency Wage Subsidy (CEWS), the Canada Recovery Caregiving Benefit (CRCB), the Canada Recovery Sickness Benefit (CRSB), and the Canada Recovery Benefit (CRB) have ended. In order to support businesses, the government has launched the Tourism and Hospitality Recovery Program and Hardest Hit Business Recovery Program, which will both be in place in Canada until May 2022. [Click here](#) for more information.

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# Resources

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-  [Sector-specific Health & Safety Guidelines, Posters and Tip Sheets](#)
-  [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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