

Unpaid Infectious Disease Emergency Leave

- On March 19, 2020 the Employment Standards Act (ESA) was amended to include **unpaid** infectious disease emergency leave.
- Employees can take unpaid infectious disease emergency leave if they are not performing the duties of their position because of certain reasons related to COVID-19.
- Entitlements to the unpaid leave are retroactive to January 25, 2020 and have no end date.

Paid Infectious Disease Emergency Leave

- On April 29, 2021, the Ontario government announced the COVID-19 Worker Income Protection Benefit and amended the ESA to provide:
 - up to three days of paid infectious disease emergency leave under the ESA for employees who take time off work because of certain reasons related to COVID-19, and
 - an employer reimbursement program.
- Qualified employees are generally entitled to be paid what they would have earned had they worked and not taken the leave, up to a maximum of \$200 per day.
- Eligible employers are entitled to be reimbursed the amount of infectious disease emergency leave pay that they paid to their employees, up to \$200 per employee per day taken.
- Eligible employers must make their application for reimbursement to the Workplace Safety and Insurance Board (WSIB) within 120 days of the date the employer paid the employee.

For more information on infectious disease emergency leave visit [Ontario.ca/ESAGuide](https://www.ontario.ca/ESAGuide) and for more information on the employer reimbursement program visit [Ontario.ca/COVIDworkerbenefit](https://www.ontario.ca/COVIDworkerbenefit).



Extension of the COVID-19 Period

- In response to the COVID-19 pandemic, the Ontario government made a regulation (O.Reg 228/20) that changed certain **Employment Standards Act** (ESA) rules during the “COVID-19 period.”
- This regulation has been amended to extend the COVID-19 period to September 25, 2021.

During the COVID-19 period (March 1, 2020 to September 25, 2021):

- A non-unionized employee is **deemed** to be on a job-protected infectious disease emergency leave under the ESA any time their hours of work are temporarily reduced or temporarily eliminated by their employer for reasons related to COVID-19.
- A non-unionized employee is **not** considered to be laid off under the ESA if their employer temporarily reduces or temporarily eliminates their hours of work or wages for reasons related to COVID-19.
- A non-unionized employee is **not** considered to be constructively dismissed under the ESA if their employer temporarily reduces or temporarily eliminates their hours of work or wages for reasons related to COVID-19.

Beginning on September 26, 2021:

- Non-unionized employees will no longer be **deemed** to be on infectious disease emergency leave.
- The ESA’s regular rules around constructive dismissal will resume. This means a significant reduction or elimination of an employee’s hours of work or wages may be considered a constructive dismissal, even if it was done for reasons related to COVID-19.
- The ESA’s regular rules around temporary layoff resume. For practical purposes, a non-unionized employee’s temporary layoff clock resets on **September 26, 2021**.

Learn more about these COVID-19 temporary changes to ESA rules at [Ontario.ca/ESAGuide](https://www.ontario.ca/ESAGuide) or call the Employment Standards Information Centre toll-free at 1-800-531-5551 or TTY 1-866-567-8893 (for the hearing impaired). Information is available in multiple languages.