

Employers & COVID-19

Frequently Asked Questions

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Health & Safety

What are an employer's obligations in this situation?

Health & Safety

How do you determine what are “all reasonable steps” in an unprecedented situation like this?

Health & Safety

Is it okay to ask an employee whether they've been diagnosed with COVID-19?

Health & Safety

Can you ask them if they have been exposed to the virus?

- Through travel?
- Through someone they live with?

Health & Safety

What if they say “yes” to any of those questions?

Health & Safety

Can you tell other employees if a co-worker has been:

- Diagnosed?
- Exposed?

Health & Safety

Is there any obligation on an employer to report a worker to Public Health if they are infected or exposed?

Health & Safety

What if an employee refuses to work because of their fear of infection?

- Normal work refusal structure applies
- But...

Health & Safety

Can you force employees to work from home? What if they don't want to work from home?

Leaves and Layoffs

What are the details of the new Emergency Leave Provisions?

Emergency Leave

- Employee is under investigation or treatment related to the virus
- Employee is acting in accordance with the *Health Protection and Promotion Act* (e.g. the Declared Emergency in Ontario)
- Employee is in quarantine or isolation (includes self-isolation) as a result of information or directions issued to the public or individual(s) by a public health official, a qualified health practitioner, Telehealth, or government (municipal, provincial or federal)
- Employee has been directed by the employer to leave work in response to concerns about exposure to other workers

Emergency Leave

- Employee is providing care or support to a family member
- Employee can't return to Ontario because of travel restrictions
- Employer can request reasonable evidence, but not a medical note
- Employee must request leave, but if put off work without being aware of the existence of the leave, it will be deemed emergency leave
- Employee should apply for EI sick benefits
- Available for up to 15 weeks
- Employee who is not eligible for EI sick benefits will apply for Emergency Care Benefits – up to 15 weeks and up to \$900/biweekly

Temporary Layoffs

- Used where the layoff is unrelated to the virus, other than the fact that the pandemic has reduced demand for the product or service
- Strictly speaking, layoff may constitute constructive dismissal
- Notice required may be contained in Collective Agreements; ESA contains no specific obligations re: notice
- Best practice – written notice of layoff
- The regular structure applies – deemed termination in 13/20 or 35/52 weeks

Temporary Layoffs

- Reduction in hours can be a layoff if the employee earns less than 50% of their regular pay
- Where workers are eligible for employment insurance benefits, they will apply in the normal course
- So far, the one-week wait period still applies
- Where workers are NOT eligible for EI benefits, they can apply for the Emergency Support Benefit, but details are not yet available

Temporary Layoffs

What about financial support for child care responsibilities due to school closings?

- Employees apply for the Emergency Care Benefit – up to 15 weeks and up to \$900/biweekly

Workplace Safety & Insurance Act

What if a worker contracts COVID-19 at work? Will they be eligible for WSIB benefits?

Human Rights Code

Does COVID-19, isolation, or quarantine constitute a disability?

Laid Off Due to Work Closures?

- Apply for regular EI benefits
- You will need to work 700 work hours in last year
- You will need a ROE saying you've been laid off from your employer to get benefits
- Apply online
- Call 1-833-371-2725 for more info

Unable to Work Due to Quarantine?

- Apply for EI sickness benefits
- You will need 600 hours in last year
- You do not need a ROE or sick not to qualify
- Apply online
- Call 1-833-381-2725 for more info

Laid Off and Ineligible For EI?

- Apply for Emergency Support Benefit
- Amounts and eligibility have not yet been announced
- Applications will be available in April via CRA MyAccount, My Service Canada Account, and a yet to be released toll-free number

Self Quarantined and Ineligible For EI?

- Apply for Emergency Care Benefit for workers not eligible for EI (including self-employed) who are sick with COVID-19, quarantined or taking care of a family member with COVID-19
- Up to 15 weeks of benefits, up to \$900 bi-weekly
- Applications will be available in April via CRA MyAccount, My Service Canada Account, and a yet to be released toll-free number

Unable to Work Due to School Closures?

- Parents with children who require care due to school closures can apply for the Emergency Care Benefit
- 15 weeks of benefits, up to \$900 bi-weekly
- Applications will be available in April via CRA MyAccount, My Service Canada Account, and a yet to be released toll-free number

Do I Qualify for WSIB Benefits?

- WSIB benefits are not available for preventative measure or non-work related exposure
- Only file a claim for COVID-19 virus infection contracted through work-related exposure
- Call 1-800-387-0750 for more info

The Small Business Centre, *COVID-19 Resources*
<https://www.thsmallbusinesscentre.ca/covid-19>

Questions?