

## ***COVID-19 Leave - Attention Ontario Employers!***

Ontario has introduced Bill 186, the *Employment Standards Amendment Act (Infectious Disease Emergencies), 2020*, which amends the leaves of absence provisions of the *Employment Standards Act, 2000*.

The new Bill creates a new leave called Emergency Leave: **Declared Emergencies and Infectious Disease Emergencies**. The leave that is particularly relevant for COVID-19 purposes is the second unpaid leave, **Infectious Disease Emergency** leave. This leave is unpaid and applies where the government designates an infectious disease and an employee will not be working for one or more of the following reasons:

1. The employee is under individual medical investigation, supervision or treatment.
2. The employee is subject to an order of a medical officer of health or a court under the *Health Protection and Promotion Act*.
3. The employee is in quarantine or isolation or subject to a control measure, including self-isolation, that is undertaken because of information or directions issued by a public health official, qualified health practitioner, Telehealth Ontario, the government of Ontario or Canada, a municipal council or board of health.
4. The employer directs the employee to stay home because of concerns the employee might expose other individuals in the workplace to the designated infectious disease.
5. The employee is providing care to any of the specified individuals listed above, including because of closures of schools and daycares.
6. The employee is directly affected by travel restrictions preventing the employee from returning to Ontario.
7. Any prescribed reason.

The leave will vary based on the circumstance. So, for example an employee who self-isolates (#3 above) would likely do so for 14 days whereas an employee faced with a lengthy daycare closure would likely be entitled to a much longer unpaid leave.



An employer may require reasonable evidence from the employee in order to take the leave. It should be noted, however, that employers are not allowed to ask for medical notes under these circumstances.

This new bill is retroactive to January 25, 2020.

If you have any questions regarding this new Bill, please contact e2r® to speak with an Advisor.

