



e2r Alert

Ontario's Declared Emergency Comes to an End

On July 21st, 2020, Bill 195 *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, received Royal Assent, effectively ending the provincial declaration of emergency as of July 24th, 2020.

As the declared emergency ends, with it are several changes to the Infectious Disease Emergency Leave and the Declared Emergency Leave.

Declared Emergency Leave: Employees are no longer eligible for the Declared Emergency Leave. However, employers will need to consider each employee's circumstances before requiring an employee to return to work as there are other potential leaves or legal justifications for remaining off work.

Infectious Disease Emergency Leave: When the Ontario government amended the ESA to convert all temporary layoffs due to Covid-19 to Infectious Disease Emergency Leaves, it was stated that this conversion would end 6 weeks after the emergency declaration ended. As such, as of September 4th, 2020, employees will no longer be deemed to be on this protected leave, and will convert back to being on temporary layoff – in which case the clock begins ticking again for employers to either recall their employees or terminate their employment. Note that time spent on layoff/leave between March 1st, 2020 and September 4th 2020 does not count towards the temporary layoff weekly limits under the ESA.

Employees can still remain on the Infectious Disease Emergency Leave if they meet the requirements outlined in our [Alert](#) from March 20th, 2020.

Another important change to note is that any temporary reductions to, or elimination of an employee's hours of work, or the reduction of any employee's wages by the employer for reasons related to COVID-19 will no longer expressly be deemed not to constitute constructive dismissal under the ESA.

If you have any questions about these changes, please do not hesitate to reach out to speak to an e2r® Advisor.

