



e2r Alert

URGENT! Ontario Employers Must Read! Ontario Extends "Infectious Disease Leave" until January 2, 2021

Today, the Ontario government issued a regulation extending the infectious disease leave available under the Ontario *Employment Standards Act, 2000* ("ESA") until January 2, 2021.

What does this mean for employers? In summary, from March 1, 2020 to January 2, 2021:

- A non-unionized employee whose employer has temporarily reduced or eliminated their hours of work for reasons related to COVID-19 is deemed to be on a job-protected infectious disease emergency leave. Employees who take infectious disease emergency leave are generally entitled to the same rights as employees who take pregnancy or parental leave. For example, employers cannot threaten, fire or penalize in any way an employee who takes or plans on taking an infectious disease emergency leave. This includes those employees deemed to be on leave (who would otherwise be on temporary layoff).
- A non-unionized employee is not considered to be laid off if their employer temporarily reduces or 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 eliminates their hours of work or wages for reasons related to COVID-19.

If you are an Ontario employer and you had planned on conducting terminations after September 4, 2020 for reasons related to COVID-19, we encourage you to speak to an e2r® Advisor prior to conducting the exits.