



COVID-19: FAQ's for Employers

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Presentation Roadmap

- 1) Staying Open for Business
- 2) Reducing Staff: Layoffs vs. Terminations
- 3) EI, Time Off, Vacation, Benefits
- 4) Accommodations, Discrimination & Privacy
- 5) Business Operation Concerns
- 6) Remote Working
- 7) Resources



Staying Open for Business

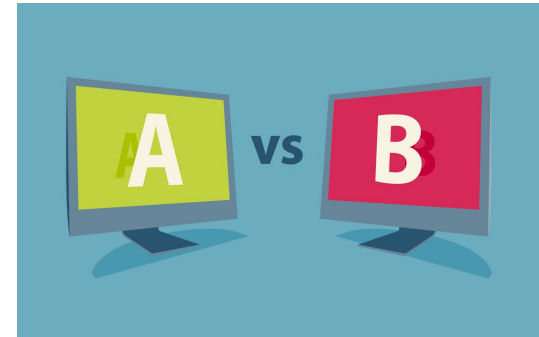
- Requiring employees to work
- No doctor's note required
- Government funding for personal protective equipment
- Pay
- Reductions
 - Reducing hours
 - Reducing pay
 - Benefits



Temporary Closures and Reducing Staff

Layoffs vs. Termination

- **Layoffs**
 - Temporary
 - No pay or termination entitlements
 - Employment contract: layoff clause
 - Collective Agreement clause
 - ROE
- **Termination**
 - Permanent
 - Termination entitlements (notice, continuation of benefits, severance pay)
 - ROE



Layoff Requirements



Provincial Government Requirements (Ontario)

- 13 weeks in a 20 week period, or
- Less than 35 weeks in a 52 week period
- Longer than this = Termination

New Provincial Legislation



- New Ontario Government Legislation
- *Employment Standards Act* Amendments
- Job protection for employees unable to work for the following reasons:
 - The employee is under medical investigation, supervision or treatment for COVID-19.
 - The employee is acting in accordance with an order under the *Health Protection and Promotion Act*.
 - The employee is in isolation or quarantine.
 - The employee is acting in accordance with public health information or direction.
 - The employer directs the employee not to work.
 - The employee needs to provide care to a person for a reason related to COVID-19 such as a school or daycare closure.
- Changes will be retroactive to January 25, 2020, the date that the first presumptive COVID-19 case was confirmed in Ontario.

New Federal Legislation



Coming soon

- Income support
- \$10 billion federal assistance for businesses

Employment Insurance

- Issuing the ROE
 - Code A - Shortage of Work
 - Block 14: Expected Recall Date
 - Code M - Dismissal
 - Code ? - COVID-19 Leave
- EI Options:
 - Sickness benefits - up to 15 weeks
 - Regular benefits - entitlements vary
 - Work Sharing - up to 76 weeks
 - Waiver of 1 - week waiting period



Sickness Benefits

What is it?



- Financial support for eligible workers who:
 - are unable to work for a medical reason (now includes being subject to quarantine or self-isolation)
 - have experienced a decrease in regular weekly earnings of more than 40% for one week and,
 - have accumulated 600 insurable hours of work in the 52 weeks before the start of the claim.
 - 55% of insurable earnings
 - Maximum of 15 weeks
 - No waiting period
 - No doctor's note required
-

Work Sharing

- What is it?
 - Program to help avoid temporary layoffs and reduction in workforce
 - Available to both provincially and federally-regulated employers
 - Work sharing unit must reduce its hours of work by at least 10% (one half day) to 60% (3 days)
 - Reduction of work can vary from week to week, as long as average reduction over course of agreement is from 10%-60%
 - Sharing of available work
 - Both employer and employee must agree
- Min. 6 weeks to 76 weeks (normally up to 38 weeks)
- Eligibility

Topping Up EI Benefits

- Topping up EI



- Supplementary Unemployment Benefit Plan (SUBP)
- Cannot exceed 95% of weekly earnings

Vacations, Sick Days, Benefits, Time Off

- Requiring employees to use up sick days
- Requiring employees to use up vacation days
- Short Term Disability Benefits
- Workers Compensation

Accommodating Workers

- Working from home
- Caring for children
- Caring for infected persons
- Government assistance



Human Rights Issues



- **Selecting who to lay-off**
- **Parents**

Employees Contracting Covid-19

What if one of my employees has contracted Covid-19?

**What
Do I Do
Now**



- Contact Public Health
- Privacy rights vs. safe workplace
- Asking for permission to share

Employer Liability



- Potential lawsuits
- Promoting a safe workplace
- The Right to Refuse work
 - Obligation to pay
 - “Danger” and not “risk”

Remote Working

- Privacy
- Connectivity



SpringLaw Policies:

- How to Remote Work Well
- Remote Workers: Pros, Cons, and Tips
- Tech in the Workplace - The Remote Worker

Resources



Government of Ontario News Update:

<https://news.ontario.ca/opo/en/2020/03/premier-ford-announces-job-protection-for-workers-during-the-covid-19-situation.html>

Government of Ontario COVID-19 Information and Updates:

<https://www.ontario.ca/page/2019-novel-coronavirus>

City of Toronto Response to COVID-19:

<https://www.toronto.ca/home/covid-19/>

Work Sharing:

<https://www.canada.ca/en/employment-social-development/services/work-sharing.html>

SUB Plan:

<https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/supplemental-unemployment-benefit/registration.html>

Questions?

To learn more about our team: <https://springlaw.ca/team/>

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