



What's New in HR Law

Ontario Government to Amend *Employment Standards Act, 2000* for Job Protection amidst COVID-19 Outbreak

March 16, 2020

COVID-19 Update

On March 16, 2020, the [Ontario Government announced](#) that it intends to table legislation that, if passed, would amend the *Employment Standards Act, 2000 (ESA)* to immediately provide job protection for employees who are required to take leaves of absence as a result of isolation, quarantine, or to care for children because of school or daycare closures. The amendments would be retroactive to January 25, 2020.

This update is for general discussion purposes and does not constitute legal advice or an opinion.

[Filion Wakely Thorup Angeletti LLP](#) www.filion.on.ca

Toronto

Bay Adelaide Centre
333 Bay Street, Suite 2500, PO Box 44
Toronto, Ontario M5H 2R2
tel 416.408.3221 | fax 416.408.4814
toronto@filion.on.ca

London

620A Richmond Street, 2nd Floor
London, Ontario N6A 5J9
tel 519.433.7270 | fax 519.433.4453
london@filion.on.ca

Hamilton

1 King Street West, Suite 1201, Box
57030
Hamilton, Ontario L8P 4W9
tel 905.526.8904 | fax 905.577.0805
hamilton@filion.on.ca

Immediate Amendments to the *ESA*

While the specific language of any proposed amendments to the *ESA* have not yet been put forward, the Ontario Government announced that job protection would be provided to employees on leaves of absence for any of 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.

In addition, the Government announced that employers will be prohibited from requiring an employee to provide a medical note in support of a leave of absence for purposes of self-isolation, quarantine, or care of family members in self-isolation or quarantine. In addition, the amendments will require an employee who requires time off work as a result of COVID-19 to notify their employer immediately.

The Ontario Government has stated that the amendments to the *ESA* will be retroactive to January 25, 2020, the date of the first presumptive COVID-19 case in Ontario.

Employment Insurance Availability

Employees and employers alike should also be aware that on March 11, 2020, the [federal government announced](#) that it will be waiving the mandatory one-week waiting period for Employment Insurance (EI) sickness benefits for those workers who are in quarantine or who have been directed to self-isolate as a result of the COVID-19. The one-week waiting period waiver is not applicable to employees who experience work shortages as a result of temporary lay-offs or store closures.

Although the Federal Government's announcement does not appear to provide coverage for voluntary self-isolation, it remains to be seen whether the Federal Government will relax EI guidelines to encourage greater social distancing efforts.

Future Updates

Our firm continues to closely monitor the developments surrounding the novel coronavirus (COVID-19) outbreak and will continue to provide further updates as new information becomes available.

Need more information?

For more information regarding workplace management amidst the novel coronavirus (COVID-19) outbreak, contact [Derek Klatt](#) at 416-408-5506, or your regular lawyer at the firm.



Toronto

Bay Adelaide Centre
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PO Box 44
Toronto, Ontario M5H 2R2
tel: 416.408.3221
fax: 416.408.4814
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London, Ontario N6A 5J9
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fax: 519.433.4453
london@filion.on.ca

Hamilton

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Box 57030
Hamilton, Ontario L8P 4W9
tel: 905.526.8904
fax: 905.577.0805
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