



# What's New in HR Law

## Ontario Provides New Information for Employers Seeking Reimbursement for Paid IDEL

June 2, 2021

### Bottom Line

The Ontario Government recently provided additional information regarding the process for employers seeking reimbursement for paid infectious disease emergency leave ("Paid IDEL") days through the Workplace Safety and Insurance Board ("WSIB").

### Paid IDEL

On April 28, 2021, the Ontario Government announced it would be introducing legislation to temporarily provide paid leave days to eligible workers for reasons relating to COVID-19. The following day, on April 29, 2021, [Bill 284, COVID-19 Putting Workers First Act, 2021 \("Bill 284"\)](#) was tabled and received Royal Assent.

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

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In short, eligible employees are now entitled to take up to a total of three (3) paid leave days for reasons relating to COVID-19. This is a temporary benefit, which applies retroactively from April 19, 2021 to September 25, 2021, or such later date as may subsequently be prescribed.

For a more detailed discussion of Paid IDEL, please refer to our previous update, [Ontario Passes Legislation Introducing Temporary Paid COVID-19 Leave](#).

## Employer Reimbursement through the WSIB

The Ontario Government has recently provided additional information regarding the process for employers seeking reimbursement for Paid IDEL through the WSIB.

Employers may now submit claims to the WSIB for reimbursement of payments made to employees in connection with the Paid IDEL provisions under the *Employment Standards Act* (“ESA”). Eligible employers who make an application will be reimbursed up to a maximum of \$200 per day per employee.

However, employers who administer their own paid leave program and made payments to an employee under a contract of employment will **not** be entitled to reimbursement.

## Applying for Reimbursement

Claims may be submitted through a WSIB portal, which can be accessed here: <https://ontario-covid19-worker-income-protection-benefit.ca/en>

Eligible employers can apply for reimbursement within **120 days** of the payment in respect of which the application is made by filing:

1. an application form to be approved by the WSIB;
2. an attestation in a form to be approved by the WSIB;
3. record of the payment made to the employee in a form to be approved by the WSIB; and
4. information about claims filed with the WSIB in respect of the employee.

In order to complete the WSIB’s application form, you should have the following information readily accessible:

- Your business registration details such as legal name, trade name, CRA number and business bank account details
- If you are a WSIB registered employer, for details such as your WSIB account number/firm number and last payment detail you will need:
  - Your Premium Remittance Statement (Schedule 1 employer)
  - Your Monthly Statement (Schedule 2 employer)

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- Your 6-digit North American Industry Classification System (NAICS) industry classification code
- Your work site address details as you will be filling in one application per site
- Details of any current paid sick leave coverages already available to the employees in question including number of days in coverage, daily dollar amounts and policy documents
- Employee details including contact information, address, SIN, Date of Birth, proof of wage payment via a paystub

Once you submit your claim, you will receive a claim confirmation number. You can check your claim status with the WSIB [here](#).

Note that applications for reimbursement will only be accepted by the WSIB until **January 25, 2022**, unless a later date is subsequently prescribed.

The WSIB will advise employers in writing of the outcome of their application for reimbursement. Decisions rendered by the WSIB will be final and employers will not have the right to reconsideration or appeal.

As previously reported, while the WSIB is administering the reimbursement, the reimbursement does not impact an employer's WSIB premiums and the WSIB is not funding the reimbursement. WSIB information may be required for processing information and/or to ensure employees are not also being paid by the WSIB for lost time related to a COVID-19 work-related claim.

## Check the Box

The recent introduction of this temporary paid leave marks the latest in a seemingly endless series of changes for employers. We are closely monitoring all regulatory and legislative changes, along with public health officials' recommendations, and will continue to keep our readers informed of these key developments as they arise.

## Need more information?

For more information about workplace management amidst the COVID-19 pandemic, please contact [Emily La Mantia](#) at 416.408.5511 or your regular lawyer at the firm.



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