



What's New in HR Law

Deemed Infectious Disease Emergency Leave Protections Extended to July 3, 2021

December 18, 2020

Bottom Line

On December 17, 2020 the Ontario Government [amended](#) O. Reg. 228/20 by extending the “COVID-19 Period” set out thereunder to **July 3, 2021**. Prior to the issuance of this amendment, the COVID-19 Period and the protections afforded by the deemed Infectious Disease Emergency Leave (IDEL) were set to expire on January 2, 2021.

Practical Implications for Employers

This development means that any non-unionized employee who experiences a temporary reduction in hours or wages between March 1, 2020 and July 3, 2021 will be deemed to be on a job-protected IDEL. During the newly extended COVID-19 Period, any such temporary reductions in hours or wages will not constitute a lay-off or a constructive dismissal under the Ontario *Employment Standards Act, 2000*.

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

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Absent any further extensions, effective July 4, 2021 the application of the regular ESA provisions and regulations governing temporary lay-offs and constructive dismissals will resume, and temporary reductions in hours or wages will no longer constitute a deemed IDEL.

For a more detailed overview of O. Reg. 228/20 see our earlier updates [here](#) and [here](#).

Check the Box

This regulatory amendment is welcome news for many employers who continue to face financial and operational challenges as we navigate through the second wave of the COVID-19 pandemic.

Expecting the deemed IDEL period to end early in the New Year, some employers may have already issued either temporary or permanent lay-off notices to their workforce. Careful consideration should be given to whether those staffing decisions should be revisited, or revised communications should be issued.

Need more information?

For more information regarding workplace management during the COVID-19 pandemic, or assistance determining how this regulatory amendment impacts your workplace, please contact any member of the FWTA legal team.



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