



What's New in HR Law

COVID-19 Leave under the Canada Labour Code Extended

October 9, 2020

Bottom Line

[Bill C-4](#), *An Act relating to certain measures in response to COVID-19*, received royal assent on October 2, 2020, and amends the length of, and eligibility criteria for, the Leave Related to COVID-19 (Leave) under the *Canada Labour Code*.

Canada Labour Code Amendments

Specifically, eligible federally regulated employees are now able to avail themselves of the Leave from October 1, 2020 to September 25, 2021.

The eligibility requirements for the Leave were also amended by Bill C-4. Federally regulated employees are now entitled to up to **2 weeks** (or another amount established by regulation) of Leave in the event:

1. they contracted or might have contracted COVID-19;

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

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2. they have underlying conditions, are undergoing treatments or have contracted other sicknesses that, in the opinion of a health care provider or other authority, would make them more susceptible to COVID-19; or
3. they have isolated themselves on the advice of their employer, health care provider, or other authority, for reasons related to COVID-19.

Federally regulated employees are now also entitled to up to **26 weeks** of Leave (or another amount established by regulation) in the event:

1. they must care for a child under 12 years of age because:
 - o the child's school or daycare facility closed or has restricted access for reasons relating to COVID-19;
 - o the person who usually cares for the child is not available for reasons related to COVID-19;
 - o the child cannot attend at school or childcare because they have contracted or might have contracted COVID-19; is in isolation on the advice of a health care provider or other authority for reasons relating to COVID-19; or, in the opinion of a health care provider, is at risk of serious health complications if the child contracted COVID-19.
2. they must care for a family member who requires supervised care because:
 - o the day program or facility that the family member normally attends is unavailable or closed for reasons relating to COVID-19;
 - o the care services that are normally provided to the family member at their place of residence are not available for reasons relating to COVID-19;
 - o the family member cannot attend the day program or facility because they have contracted or may have contracted COVID-19; is in isolation on the advice of a health care provider or other authority for reasons relating to COVID-19; or, in the opinion of a health care provider, is at risk of serious health complications if the family member contracted COVID-19.

Takeaways for Employers

As businesses continue to navigate through attendance and accommodation challenges brought on by the ongoing pandemic, federally regulated employers must bear in mind that employees who meet the above-mentioned eligibility requirements will be entitled to a job-protected Leave, during which they are entitled to continued participation in pension and applicable benefit plans.

Need more information?

For assistance with issues relating to workplace management amidst the COVID-19 pandemic, contact [Brian MacDonald](#) at 519.435.6002 or any member of our legal team.



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