Presented by:
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Presentation Roadmap

1) Staying Open for Business
2) Reducing Staff: Layoffs vs. Terminations
3) EI, Time Off, Vacation, Benefits
4) Accomodations, 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 insured 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

How you can help!
Human Rights Issues

- Selecting who to lay-off
- Parents
What if one of my employees has contracted Covid-19?

- 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
Government of Ontario News Update:  

Government of Ontario COVID-19 Information and Updates:  

City of Toronto Response to COVID-19:  
https://www.toronto.ca/home/covid-19/

Work Sharing:  

SUB Plan:  
Questions?

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

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