

Ontario Government Extends COVID-19 Period re Temporary Layoffs to January 2, 2021

Date : September 4, 2020

As Focus readers may recall, as detailed in our earlier [Focus Alert](#), the Ontario government filed Regulation 228/20 under the *Employment Standards Act, 2000* (“ESA”) which provided that non-union employees who did not perform their duties because their hours of work had been temporarily reduced or eliminated due to COVID-19 during what was referred to as the “COVID-19 period” were deemed to be on unpaid, job-protected Infectious Disease Emergency Leave (or “IDEL”). The COVID-19 period was specifically defined under the Regulation as beginning on March 1, 2020 and ending six weeks after the declared state of emergency comes to an end.

Because the declared state of emergency ended on July 24, 2020, the proverbial clock started ticking and was expected to end six weeks later, on September 4, 2020. On September 3, 2020, the Ontario government [announced](#) that the COVID-19 period will be continued until January 2, 2021. Practically speaking, this means that, beginning on January 3, 2021:

- Employees will no longer be deemed to be on IDEL.
- The ESA's regular rules around constructive dismissal resume. This means a significant reduction or elimination of an employee's hours of work or wages may constitute a constructive dismissal.
- The ESA's regular rules around temporary layoff resume. An employee's temporary layoff clock will reset on January 3, 2021.

The Ontario government's news release also notes that parents who decide not to send their children back to school due to “concerns about COVID-19” will be eligible for IDEL. Emond Harnden will keep Focus readers apprised of additional details as they become available.

For further information or advice regarding this change or about your rights and obligations as an employer when dealing with COVID-19, please contact [Kecia Podetz](#) at [613-940-2752](tel:613-940-2752), [J.D. Sharp](#) at [613-940-2739](tel:613-940-2739), [Sheri Farahani](#) at [613-940-2745](tel:613-940-2745), [Jennifer Birrell](#) at [613-940-2740](tel:613-940-2740), [Colleen Dunlop](#) at [613-940-2734](tel:613-940-2734), [André Champagne](#) at [613-940-2735](tel:613-940-2735) or [Lynn Harnden](#) at [613-940-2731](tel:613-940-2731).