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Ontario Government Extends Lay-Off Periods and Provides Further Temporary Relief Under the ESA

By Daniel Pugen and Shreya Patel

With the stated goal of protecting jobs and businesses, the Ontario government has extended the timeline for when temporary lay-offs are deemed permanent job losses.

The Ontario government passed a Regulation that changed certain rules under the Ontario *Employment Standards Act, 2000* (the “ESA”) (described in our publication on March 19 and March 20, 2020). This Regulation has been amended, extending the “COVID-19 period” to January 2, 2021.

During the COVID-19 period i.e from March 1, 2020 to January 2, 2021, employees may be deemed to be on a job-protected infectious disease emergency leave and employees will not be considered to be constructively dismissed under the *ESA* if their wages or hours of work have been temporarily reduced due to COVID-19.

After the COVID-19 period, i.e beginning January 3, 2021, the *ESA*'s regular rules around layoffs and constructive dismissal will resume. This means that an employee's temporary layoff clock resets on January 3, 2021 and employees will no longer be deemed to be on infectious disease emergency leave.

Our Labour Relations and Employment Law Group is carefully monitoring changes to legislation policy as they unfold and will advise our clients promptly with respect to the impact that these changes will have on workplaces.

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