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Ontario Government Further Extends the “COVID-19 Period” Under the ESA

By Shreya Patel

On December 17, 2020 the Ontario government passed a new Regulation that further extends the timeline for when temporary lay-offs are deemed permanent job losses.

The “COVID-19 period” was set to expire on January 2, 2021 and has now been extended to July 3, 2021.

As discussed in our previous publication, certain rules under the Ontario *Employment Standards Act, 2000* (the “ESA”) were introduced to protect workers and businesses during the COVID-19 crisis. Under these rules, employees temporarily laid-off during the “COVID-19 period” are deemed to be on a job-protected infectious disease emergency leave. Further, employees will not be considered as 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 ends on July 3, 2021, the ESA’s regular rules around layoffs and constructive dismissal will resume. One practical consequence is that an employee’s temporary layoff clock resets on July 4, 2021 and employees will no longer be deemed to be on infectious disease emergency leave unless the “COVID-19 period” is extended again by the government.

The above does not generally apply to unionized employees.

Our Labour Relations and Employment Law Group continues to monitor changes to workplace legislation. Should you have any questions, please reach out to a member of our team.

Author

Shreya Patel
Associate

Shreya is an associate in our Employment & Labour Group.

Tel: 416 777 5453
spatel@torkinmanes.com

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