

COVID-19 PROVINCIAL PAID SICK LEAVE – Ontario COVID-19 Worker Income Protection Benefit

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This information is solely for informational purposes. We urge you to consult with us at info@connectingottawa.com if you have any specific legal questions about a client's situation.

WHAT IS PAID INFECTIOUS DISEASE EMERGENCY LEAVE?	<p>On April 29, 2021 (see Note 1), the Ontario Government amended the <i>Employment Standards Act, 2000</i> (ESA) to require employers to provide employees with up to three days of paid infectious disease emergency leave for certain reasons related to COVID-19. This entitlement is in addition to employees' rights to unpaid Infectious Disease Emergency Leave (see other information sheet on Infectious Disease Emergency Leave for more information), and is available until March 31, 2023.</p> <p style="text-align: center;">***Although the Worker Income Protection Benefit is available until 2023, employees are <u>not</u> entitled to an additional three days in 2022 or 2023. Some employees may have already used up some, or all, of their entitlement to this benefit by now.***</p> <p><i>Note 1: Although the ESA was amended on April 29, 2021, the entitlement to paid infectious disease emergency leave is deemed to have started on April 19, 2021. Eligible employees who took an unpaid infectious disease emergency leave between April 19, 2021 and April 28, 2021, for a reason for which they can take paid leave, can choose to take those days as paid leave instead. To make this decision, employees must have advised their employer in writing no later than May 12, 2021.</i></p>
WHAT ARE THE REASONS FOR TAKING PAID INFECTIOUS DISEASE EMERGENCY LEAVE?	<p>An employee can take paid infectious disease emergency leave for these reasons:</p> <ul style="list-style-type: none"> • Going for a COVID-19 test • Staying home awaiting the results of a COVID-19 test • Being sick with COVID-19 • Getting individual medical treatment for mental health reasons related to COVID-19 • Getting vaccinated and/or experiencing a side effect from a COVID-19 vaccination • Having been advised to self-isolate by an employer, medical practitioner, or other specified authority • Providing care or support to certain relatives for COVID-19 related reasons, such as when they are sick with COVID-19 or have symptoms of COVID-19, or are in self-isolation due to Covid-19 on the advice of a medical practitioner or other specified authority.
WHO IS ELIGIBLE FOR PAID INFECTIOUS DISEASE EMERGENCY LEAVE?	<p>These three paid sick days are only for employees who are covered by the <i>ESA</i>. Therefore, independent contractors, self-employed persons, and federally-regulated employees do not qualify for them (see Note 2). An employee's eligibility for three days of paid infectious disease emergency leave depends on what other rights they have, such as paid sick days from their employer in their employment contract (Note 3).</p> <p><i>Note 2: An independent contractor or self-employed person may be eligible for the Canada Recovery Sickness Benefit.</i> <i>Note 3: For example: if an employee had three days of paid leave under an employment contract and used all three days of paid leave before April 19, 2021, they would be entitled to three days of paid infectious disease emergency leave. On the other hand, if an employee had five days of paid leave from their employer but only used two, they would not be entitled to these three days of leave because they still have three days remaining under their employment contract.</i></p>
WHAT IS THE AMOUNT?	<p>Employers are generally required to pay employees the wages they would have earned had they not taken the leave, up to \$200.00/day for up to three days. It does not have to be taken consecutively (see Note 4). <i>Note 4: Vacation pay is payable on paid infectious disease emergency leave.</i></p>
DOES AN EMPLOYEE HAVE TO PROVIDE A DOCTOR'S NOTE?	<p>Employers cannot require a certificate from a doctor or nurse as evidence. However, an employer may require evidence that is reasonable in the circumstances at a time that is reasonable in the circumstances. What is considered reasonable in the circumstances depends on the facts of the situation, and evidence may take many forms, including:</p> <ul style="list-style-type: none"> • A copy of information issued to the public by a public health official advising of quarantine or isolation • A copy of an order to isolate that was issued to the employee under s. 22 or s. 35 of the HPPA • An email from a pharmacy or from a public health department indicating the employee's appointment date and time to receive a COVID-19 vaccination
WHO PAYS FOR THESE SICK DAYS?	<p>Employers pay employees for these sick days – employees do not have to apply for them. All an employee has to do is tell their employer they are taking paid infectious disease emergency leave. The employer then applies for a refund from the Workplace, Safety and Insurance Board (WSIB) (see note 5). <i>Note 5: The WSIB is administering this program on behalf of the provincial government. This is not a WSIB program.</i></p>
WHAT IF THE EMPLOYER DOESN'T PAY?	<p>The <i>ESA</i> now says that an employer must pay employees for these sick days. If they refuse to pay, they are breaking the law. If this happens, an employee can file a complaint with the Ministry of Labour (see Note 6). <i>Note 6: Information on making a claim is explained at Steps to Justice: How do I make an employment claim with the Ministry of Labour? - Steps to Justice.</i></p>

FOR MORE INFORMATION ON INFECTIOUS DISEASE EMERGENCY LEAVE PAY:
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