



# HRLive Client Update

July 24, 2020

We've updated you on several issues in the last weeks, and this is the last essential update you should be aware of this week.

As outlined in our [June 1<sup>st</sup> Update](#), the Ontario government amended the *Employment Standards Act* to provide employees and their employers with additional flexibility under the broader *Infectious Diseases Emergency Leave (IDEL)* provisions. The IDEL provisions effectively 'stopped the clock' from ticking on temporary layoffs and gave employers the latitude to implement things like a temporary reduction in hours or a reduction in wages during the height of the pandemic. While the unilateral implementation of these measures might otherwise bring claims of "constructive dismissal", the IDEL measures neutralized these arguments (for more information on IDEL, review our [June Update](#)).

These IDEL provisions were retroactive to March 1<sup>st</sup>, 2020 and remain in effect until 6 weeks after that aspect of the emergency declaration ends in Ontario. It ends today. As it respects these IDEL provisions, the province is not extending these measure beyond today (July 24<sup>th</sup>). That means the clock starts ticking today.

If all of your staff have returned to work (you have no staff on temporary layoff and no staff on "COVID-19 interruptions from employment"), no further action is required on your part. If you have staff off-work due to a "COVID-19 interruption" or a temporary layoff, you have 6 weeks from today (until **September 4<sup>th</sup>, 2020**) to consider what to do.

Employees will no longer be deemed on an IDEL leave as of September 4<sup>th</sup>. Your options include:

1. Returning the employees to work at that time (or beforehand);
2. Determine if these employees are eligible for another form of IDEL leave (ie. childcare responsibilities) or other ESA leaves;
3. Keep the employees on temporary layoff (however, the clock resets and starts 'ticking' on September 4<sup>th</sup>).

If you have staff off-work presently and do not yet have a conference scheduled with Sarah or myself already, please contact Emma ([emma@savinohrp.ca](mailto:emma@savinohrp.ca) / 705-400-7145) so we can schedule a meeting in August to discuss your specific options.