

Employer Update: Paid COVID-19 Leave Extended in Ontario

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By Daniel Wong, Seth Holland, Piper McGavin

As discussed in our [previous article](#), on April 29th, 2021, the Ontario government introduced the *COVID-19 Putting Workers First Act*, which mandates paid sick days related to COVID-19. This program, which was previously slated to end on July 31, 2022, **has now been extended to March 31, 2023.**

The *COVID-19 Putting Workers First Act*, an amendment to the *Employment Standards Act, 2000* (“ESA”) requires that Ontario employers provide employees with up to three days of paid infectious disease emergency leave (“IDEL”) if the employee cannot work for reasons related to COVID-19. These days do not need to be taken consecutively. Workers are entitled to up to \$200 per day, without the need for a medical note, for the following reasons related to COVID-19:

- 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
- going to get vaccinated
- experiencing a side effect from a COVID-19 vaccination
- having been advised to self-isolate due to COVID-19 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
 - self-isolating due to COVID-19 on the advice of a medical practitioner or other specified authority
 - providing care or support to their child who is getting vaccinated against COVID-19 or is experiencing side effects from the vaccine

If an employee takes paid IDEL under this program, the employer may then apply to the Workplace Safety and Insurance Board for a reimbursement of up to \$200 per day of paid leave taken by the employee. Eligible employers must make their [application](#) for reimbursement within 120 days of the date the employee was paid, or by July 29, 2023 (whichever is earlier).

The three days of paid IDEL are in addition to unpaid [IDEL](#). Employees continue to have the right to take unpaid, job-protected sick leave related to a designated infectious disease. The unpaid IDEL can be used by an employee once paid IDEL has been exhausted. This is available to all workers covered by the ESA. The reasons an employee may take this leave can be found [here](#).

The paid and unpaid IDEL are job-protected leaves of absence under the ESA, meaning that employers cannot threaten, fire or penalize an employee in any way because the employee takes or plans on taking paid or unpaid IDEL. Contravening these rules is a violation of the ESA can result in penalties under the ESA, in addition to other employer liability.

WeirFoulds will continue to monitor this program and any changes or extensions. Stay tuned.

For assistance with your organization's compliance with the IDEL requirements or advice on any other employment law matter for your organization, please feel free to contact Daniel Wong or Seth Holland of WeirFoulds' Employment Law Group.

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.

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