

# FYI<sup>®</sup>

## For Your Information<sup>®</sup>

### **COVID-19: Ontario enacts infectious disease provisions**

This *FYI* discusses the Ontario government's introduction and passage of legislation on March 19, 2020, adding provisions relating to infectious disease emergencies in response to the COVID-19 pandemic.

#### **Bill 186: Infectious disease emergency leave**

On March 19, 2020, the Ontario government introduced and passed Bill 186, the *Employment Standards Amendment Act (Infectious Disease Emergencies)*, 2020. The Bill, which is now in effect, amends the *Employment Standards Act, 2000* (ESA) to add provisions relating to infectious disease emergencies. The existing ESA provisions covering declared emergencies have been amended and expanded to provide this leave.

In addition to declared emergency leave, discussed in Buck's March 18, 2020, *FYI*, the Bill provides an unpaid leave of absence to employees who, because of a designated infectious disease, are not able to work because:

- They are under individual medical investigation, supervision, or treatment;
- They are acting in accordance with a court order or order of the medical officer of health under the *Health Protection and Promotion Act*;
- They are in quarantine, isolation, or self-isolation as a result of directions from a municipal, provincial, or federal government, a public health official, a qualified health practitioner, or Telehealth Ontario;
- They have been given a direction by their employer not to work due to concerns that they may expose others in the workplace;
- They are providing care or support to a designated family member or person they consider to be like family, including, but not limited to, children at home due to school or day care closures;
- They are affected by travel restrictions and cannot reasonably be expected to travel back to Ontario; or
- Other reasons that may be prescribed.

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While employers may require reasonable evidence, within a time that is reasonable in the circumstances, they cannot require a certificate from a medical practitioner to establish an employee's entitlement to leave for an infectious disease emergency.

Infectious disease emergency leave can begin on the date that a disease is designated by regulation to trigger the leave provisions. Based on previous comments made by the government, it is expected that COVID-19 will be designated an infectious disease retroactive to January 25, 2020, the date of the province's first presumptive case of the illness. The leave lasts for as long as the employee is unable to work for one of the reasons listed above, and the infectious disease maintains its regulatory designation.

Regulations can be made exempting a class of employees from all or part of the declared emergency/infectious disease emergency leave provisions, and prescribing requirements or terms and/or conditions of employment that instead apply to that class.

For more information on this legislation and its impact on your organization, talk to your Buck consultant or contact the Knowledge Resource Centre at [talktocanada@buck.com](mailto:talktocanada@buck.com) or +1 866 355 6647. For the latest from Buck about the COVID-19 crisis, please refer to: <https://buck.com/ca/expertise/hot-topics/covid-19-key-considerations-for-employers/>

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