

May 6, 2021 – New Ontario COVID-19 Worker Income Benefit

On April 29, 2021, the Ontario government amended the Employment Standards Act (ESA) to require employers to provide employees with up to 3 days of paid emergency leave for certain reasons related to COVID-19. More information will be available soon for the application process.

Amount

Regular wages up to \$200 per day for 3 days per eligible employee. The three days do not have to be consecutive days. This excludes shift premiums and scheduled overtime pay.

Eligibility:

- Going for a COVID-19 test and staying home while awaiting results
- Being sick with COVID-19
- Getting vaccinated
- Experiencing a side effect from the 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
- If an employee is already entitled to paid leave for similar reasons to the above under their employment contract as of April 19, 2021, this would reduce from the three days of paid infectious disease emergency leave under the ESA.

Retroactive eligibility

Eligible employees who took an unpaid infectious disease emergency leave between April 19, 2021 and April 28, 2021, for one of the above reasons, can choose to take those days as paid leave instead. To make this decision, employees must advise their employer in writing ***no later than May 12, 2021.***

Process (more information will follow)

- A doctor's note is not required, and employers cannot require an employee to provide a note.
- Eligible employers would pay the employee for the days eligible and they must apply to WSIB within 120 days of the date the employee was paid. Although you are applying to WSIB, it is ***NOT*** a WSIB program and it is not funded by the WSIB insurance fund. While the Government did not specifically indicate this, it is unlikely that this would impact your WSIB premiums.
- Employees may opt-out of this paid infectious disease emergency leave as it may affect their eligibility of other benefit programs, the employee must advise the employer in writing. The written decision must be made before the end of the pay period in which the leave occurs.
- Application must be complete, or no determination would be made by the Government.
- There is no right to appeal or reconsideration after a determination has been made.

Example:

Sofia works in a grocery store stocking shelves. She normally makes \$16 an hour and works 8-hour shifts, earning \$128 per day. She does not have a right to paid leave under her employment contract. If Sofia is feeling unwell and takes a day off work to go for a COVID-19 test, her employer is required to pay her regular rate of pay for that day. The employer can then apply for a reimbursement of \$128 from WSIB.