



Support for Ontarian Workers

Prepared by: Chinese and Southeast Asian Legal Clinic (March 24, 2020)

On March 19, 2020, the Ontario government passed amendments to the *Employment Standards Act* to provide job-protected leave to employees in isolation or quarantine, or are caring for children or other relatives. These measures are retroactive to January 25, 2020.

Job-protected leave

These additional protections means that employers cannot fire workers who are unable to work because the employee:

- is under medical investigation, supervision or treatment for COVID-19
- is following an order under the *Health Protection and Promotion Act*
- is in isolation or quarantine due to following public health information or direction
- is directed by the employer not to work due to a concern that COVID-19 could be spread in the workplace
- needs to provide care to a person for a reason related to COVID-19, such as a school or day-care closure*
- is prevented from returning to Ontario because of travel restrictions

*An employee will be able to take an unpaid leave of absence due to an infectious disease emergency to care for the following individuals:

- The employee's spouse
- A parent, step-parent or foster parent of the employee or the employee's spouse
- A child, step-child or foster child of the employee or the employee's spouse
- A child who is under legal guardianship of the employee or the employee's spouse
- A brother, step-brother, sister or step-sister of the employee
- A grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse
- A brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee
- A son-in-law or daughter-in-law of the employee or the employee's spouse
- An uncle or aunt of the employee or the employee's spouse
- A nephew or niece of the employee or the employee's spouse
- The spouse of the employee's grandchild, uncle, aunt, nephew or niece
- A person who considers the employee to be like a family member, provided the prescribed conditions, if any, are met.



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An employee will not be required to provide a medical note if they need to take leave. However, the employer may require the employee to provide other evidence that is reasonable in the circumstances, at a later date (for example, note from the daycare centre or proof that an airline cancelled a flight back to Canada).

Q&A

Who does this apply to?

Most employees and employers in Ontario are covered, whether they work full-time, part-time, are students, temporary help agency assignment employees, or casual workers.

It does not apply to people in sectors that fall under federal jurisdiction, including those working for banks, airports, inter-provincial and international rail, and federal crown corporations.

For most updated information, please see our website: <https://csalc.ca/>

For legal advice, please call the clinic at 416-971-9674

