

# **COVID 19 INFORMATION UPDATE**

## **FEDERAL AND PROVINCIAL LEGISLATIVE UPDATE**

*Canada Emergency Response Benefit, Legislated Leaves, Government Top Up, Etc.*

According to the World Health Organization the Coronavirus disease (COVID-19) is an infectious disease caused by a newly discovered coronavirus. Most people who are infected with COVID-19 will experience mild to moderate respiratory illness and recover without requiring special treatment. That being said, those more vulnerable such as elderly people, and those with underlying medical problems like cardiovascular disease, diabetes, chronic respiratory disease, and cancer are more likely to develop serious illness. The virus spreads primarily through droplets of saliva or discharge from the nose when an infected person coughs or sneezes.

## **COVID-19 (i.e. The Corona Virus) Canadian Timeline**

- ⇒ On or about December 31, 2019, the World Health Organization was alerted to several cases of pneumonia in Wuhan, China. The virus did not match any other known virus.
- ⇒ On or about January 7, 2020, China confirmed COVID-19.
- ⇒ On or about January 25, 2020, Canada confirms its first case of COVID-19 related to travel in Wuhan, China.
- ⇒ On or about February 20, 2020, Canada confirms its first case related to travel outside mainland China.
- ⇒ On or about March 9, 2020, Canada confirms its first death related to COVID-19.
- ⇒ On or about March 11, 2020, the World Health Organization (WHO) assessed COVID-19 as a pandemic.
- ⇒ On or about March 18, 2020, Canada announces financial help, through the COVID-19 Economic Response Plan, for Canadians and businesses facing hardship as a result of the COVID-19 outbreak.
- ⇒ On or about March 19, 2020, the Ontario Legislature passed Bill 186, the *Employment Standards Amendment Act (Infectious Disease Emergencies), 2020*.
- ⇒ On or about March 25<sup>th</sup>, 2020, *An Act respecting certain measures in response to COVID-19* received royal assent and became law.

## **Canada's COVID-19 Economic Response Plan**

The Canadian government has acted to help Canadians facing hardship as a result of the COVID-19 outbreak. On or about March 25<sup>th</sup>, 2020, the Federal Government passed Bill C-13, *An Act respecting certain measures in response to COVID-19* (“Act”) which officially became law.

Furthermore, the Ontario government has also acted to help Ontarians with respect to the COVID-19 outbreak. The *Employment Standards Amendment Act (Infectious Disease Emergencies), 2020* amends the leaves of absence provisions of the *Employment Standards Act, 2000* (ESA) providing leave entitlements to employees impacted by COVID-19 and prohibits employers from requesting doctor’s notes with respect to the leave of absence.

Canadians have been provided with the following relief:

<b>INITIATIVE</b>	<b>BENEFIT</b>	<b>APPLICATION</b>
Canada Child Benefit	\$300 increase	Those who already receive benefit need not apply
Special Goods and Services Tax credit payment	Roughly \$400 for single individuals and \$600 for couples	No application
Income Tax Deferral	the return filing due date will be deferred until June 1, 2020.	No application
Mortgage Support	Case by case	Contact your bank
Canada Emergency Response Benefit (CERB)	Taxable benefit of \$2,000 a month for up to 4 months	<i>*Refer to analysis below</i>
Employment Insurance	Waiting period waived	Must apply, may apply online (roughly 60 minutes)
Indigenous Community Support Fund	\$305 million for Indigenous Community Support Fund to address immediate needs in First Nations, Inuit, and Métis Nation communities	N/A
Enhancing the Reaching Home initiative	\$157.5 million to the Reaching Home initiative (i.e. fighting homelessness)	Application
Support for women’s shelters and sexual assault centres	\$50 million to women’s shelters and sexual assault centres to help with their capacity to manage or prevent an outbreak in their facilities.	Application
Registered Retirement Income Funds	Reducing the required minimum withdrawals from Registered Retirement Income Funds (RRIFs) by 25% for 2020.	No application

Canada Student Loans	six-month interest-free moratorium on repayment of student loans	No application
Canada Labour Code	Creates a regime which provides for a leave related to COVID-19 of up to 16 weeks. It also amends that Act to provide for the repeal of that regime and to provide for a quarantine leave under the medical leave regime.	<i>*Refer to analysis below</i>
Employment Standards Act	The amendments entitle an employee to a leave of absence without pay, starting on the prescribed date, if the employee will not be performing the duties of his or her position because of various reasons related to a designated infectious disease, including that the employee is under medical investigation, supervision or treatment; that the employee is in quarantine or isolation; that the employee is providing care or support to another individual; or that the employee is affected by travel restrictions. Restrictions on the entitlement are specified, and related amendments are made addressing the evidence of entitlement required, when the entitlement ends and the regulation-making powers.	<i>*Refer to analysis below</i>

**Canada Emergency Response Benefit (CERB)**

To support workers and help businesses keep their employees, the government enacted legislation establishing the Canada Emergency Response Benefit (CERB). This taxable benefit provides \$2,000 a month up to four (4) months (sixteen (16) weeks) for workers who lose their income as a result of the COVID-19 pandemic.

*NOTE:* The CERB merges two previously announced federal income support programs, the Emergency Care Benefit and Emergency Support Benefit.

The following describes the application process as well as payment structure in detail:

### ***1. How do you Qualify For CERB?***

1. You must be a worker;
2. You must be eligible;

### ***2. Who is a Worker?***

A worker is defined as someone who:

- At least 15 years of age;
- A resident of Canada;
- Had earned \$5000 or more in 2019 or the last 12 months preceding application;
- Had earned \$5000 or more on maternity leave or through other parental benefits;

### ***3. Who is Eligible?***

A worker is eligible for an income support payment if:

- a. the worker, whether employed or self-employed, ceases working for reasons related to COVID-19 for at least 14 consecutive days within the four-week period in respect of which they apply for the payment; and
- b. they do not receive, in respect of the consecutive days on which they have ceased working,
  - i. income from employment or self-employment,
  - ii. *benefits*, as defined in subsection 2(1) of the *Employment Insurance Act*,
  - iii. allowances, money or other benefits paid to the worker under a provincial plan because of pregnancy or in respect of the care by the worker of one or more of their new-born children or one or more children placed with them for the purpose of adoption, or
  - iv. any other income that is prescribed by regulation.

### ***4. Who is Excluded?***

A worker who quits voluntarily, instead of for reasons related to COVID-19, will be ineligible.

### ***5. How do I Apply?***

The portal for accessing the CERB will be available in early April.

*NOTE:* That being said, EI eligible Canadians who have lost their job can continue to apply for EI on the Government of Canada website.

## **6. How long is the waiting period for CERB?**

You should begin to receive their CERB payments within 10 days of your application.

*NOTE:* The government is striving for 10 days after application, however, advise members to apply ASAP.

## **7. How often is CERB paid out?**

The CERB would be paid every four weeks and be available from March 15, 2020 until October 3, 2020.

## **8. If already receiving EI, should I apply for CERB?**

No. Those already receiving EI regular and sickness benefits as of today would continue to receive their benefits and should not apply to the CERB. However, if your EI benefits end before October 3, 2020, you could then apply for the CERB once their EI benefits cease, if you are unable to return to work due to COVID-19.

## **9. What if I applied for EI, yet the application has not yet been processed?**

Canadians who have already applied for EI and whose application has not yet been processed would not need to reapply. Canadians who are eligible for EI regular and sickness benefits would still be able to access their normal EI benefits, if still unemployed, after the 16-week period covered by the CERB.

## **An Act to amend the Employment Standards Act, 2000**

### **Leave of absence without pay**

An employee is entitled to a leave of absence without pay if the employee will not be performing the duties of his or her position because an emergency has been declared under section 7.0.1 of the *Emergency Management and Civil Protection Act* and:

- I. because of an order that applies to him or her made under section 7.0.2 of the *Emergency Management and Civil Protection Act*,
- II. because of an order that applies to him or her made under the *Health Protection and Promotion Act*,
- III. because he or she is needed to provide care or assistance to one or more of the following individuals:
  - a. The employee's spouse.
  - b. A parent, step-parent or foster parent of the employee or the employee's spouse.
  - c. A child, step-child or foster child of the employee or the employee's spouse.
  - d. A child who is under legal guardianship of the employee or the employee's spouse.

- e. A brother, step-brother, sister or step-sister of the employee.
  - f. A grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse.
  - g. A brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee.
  - h. A son-in-law or daughter-in-law of the employee or the employee's spouse.
  - i. An uncle or aunt of the employee or the employee's spouse.
  - j. A nephew or niece of the employee or the employee's spouse.
  - k. The spouse of the employee's grandchild, uncle, aunt, nephew or niece.
  - l. A person who considers the employee to be like a family member, provided the prescribed conditions, if any, are met.
  - m. Any individual prescribed as a family member for the purposes of this section.
- IV. because of such other reasons as may be prescribed;

***Do I need to provide a doctor's note?***

No. An employer may require an employee who takes leave to provide evidence reasonable in the circumstances, at a time that is reasonable in the circumstances, that the employee is entitled to the leave, but shall not require an employee to provide a certificate from a qualified health practitioner as evidence.

**Canadian Government - 75% Top Up**

On March 30<sup>th</sup>, 2020, the Prime Minister announced a 75 percent wage subsidy for qualifying businesses, for up to 3 months, retroactive to March 15, 2020. This will help businesses to keep and return workers to the payroll.