

## **Infectious Disease Emergency Leave (IDEL)- UPDATE**

July 22, 2022

### **Paid IDEL Extended to March 31, 2023**

As discussed in our earlier [briefing note](#), on April 29, 2021, the Government of Ontario amended the *Employment Standards Act, 2000* (“ESA”) to entitle an employee to up to three days of paid IDEL between April 19, 2021 and September 25, 2021. That latter date was initially extended to December 31, 2021, and then to July 31, 2022. It has now been extended to **March 31, 2023**. All other components of the paid IDEL program remain unchanged.

### **General Entitlement to IDEL Continues Past July 30, 2022**

An employee continues to have a general entitlement to access IDEL if they require a leave of absence for any of the prescribed reasons under the ESA. This includes (but is not limited to) if the employee requires a leave because they, (1) have COVID-19, (2) have symptoms of COVID-19 and are isolating in accordance with public health recommendations, or (3) are providing care and support to a prescribed family member for a COVID-19 related reason. This entitlement continues in force and there is no maximum number of IDEL days an employee may take in any given year.

### **Temporary Layoff and Constructive Dismissal Exemption Ends July 30, 2022**

On May 29, 2020, the Government of Ontario introduced a [regulation](#) under the ESA that provided relief to any employer that had temporarily laid off or reduced the wages and/or hours of a non-union employee due to COVID-19. The regulation largely exempts any such layoff or reduction from being deemed a termination of employment. After several extensions, this exemption is set to expire on **July 30, 2022**. After that date, any time spent on layoff (even for a COVID-19 related reason) will be considered a temporary layoff, not IDEL, and may trigger ESA notice of termination and severance pay obligations if it exceeds the temporary layoff period under the ESA.

**To learn more and for assistance, contact your Sherrard Kuzz lawyer or [info@sherrardkuzz.com](mailto:info@sherrardkuzz.com).**

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