



SHINING WATERS
REGIONAL COUNCIL
The United Church of Canada

September 22, 2021

Infectious Disease Emergency Leave (IDEL) Update

1. On September 16, 2021, the government extended the period for the job protected Infectious Disease Emergency Leave (IDEL) from September 25, 2021 to until the end of the year. Please see the link to the regulation below.
<https://www.ontario.ca/laws/regulation/r21650>
2. Further, the Ontario COVID-19 Worker Income Protection Benefit Program, which requires Ontario employers to provide their workers with up to three days paid infectious disease emergency leave of up to \$200 per day if they miss work for certain reasons related to COVID-19, has also been extended to January 1, 2022. The three paid leave days do not need to be taken consecutively, and an employee is not required to provide a doctor's note to substantiate the leave.
3. Eligible employers are entitled to be reimbursed through WSIB for the amount of infectious disease emergency leave pay that they paid to their employees, up to \$200 per employee per day taken for up to three days.

The IDEL and Deemed IDEL are utilized for different reasons, and each leave is described in more detail below, including reasons for taking an IDEL leave.

IDEL

An employee will continue to be able take an IDEL for a number of reasons, which include:

- (i) The employee is under individual medical investigation, supervision or treatment related to the designated infectious disease.
- (ii) The employee is acting in accordance with an order under section 22 or 35 of the *Health Protection and Promotion Act* that relates to the designated infectious disease.
- (iii) The employee is in quarantine or isolation or is subject to a control measure (which may include, but is not limited to, self-isolation), and the quarantine, isolation or control measure was implemented as a result of information or directions related to the

designated infectious disease issued to the public, in whole or in part, or to one or more individuals, by a public health official, a qualified health practitioner, Telehealth Ontario, the Government of Ontario, the Government of Canada, a municipal council or a board of health, whether through print, electronic, broadcast or other means.

(iv) The employee is under a direction given by his or her employer in response to a concern of the employer that the employee may expose other individuals in the workplace to the designated infectious disease.

(v) The employee is providing care or support to an individual referred to in subsection (8) because of a matter related to the designated infectious disease that concerns that individual, including, but not limited to, school or day care closures.

(vi) The employee is directly affected by travel restrictions related to the designated infectious disease and, under the circumstances, cannot reasonably be expected to travel back to Ontario.

(vii) Such other reasons as may be prescribed.

Deemed IDEL

1. Employees are deemed to be on an unpaid IDEL when their hours have been reduced or eliminated due to COVID-19. Only non-unionized employees can be on deemed IDEL.

Layoff

2. At the end of the deemed IDEL, the Church can transition employees to a temporary layoff in accordance with applicable legislation. Without an expressed contractual right to a temporary layoff, there can be risk in placing employees on a temporary layoff.
3. Please see the link to the guide below, which also provides examples for IDEL:
<https://www.ontario.ca/document/your-guide-employment-standards-act-0/infectious-disease-emergency-leave#:~:text=Subject%20to%20a%20few%20exceptions,has%20temporarily%20reduced%20or%20temporarily>

1. Paid infectious disease emergency leave

The Ontario Government also extended the requirement under the [Employment Standards Act, 2000](#) (ESA) that employers provide employees with up to three days of paid infectious disease emergency leave because of certain reasons related to COVID-19.

Please note that this entitlement to pay is **in addition** to employees' rights to **unpaid [infectious disease emergency leave](#)**.

Paid infectious disease emergency leave is available for certain reasons related to COVID-19, including:

- going for a COVID-19 test;
- staying home awaiting the results of a COVID-19 test;
- being sick with COVID-19;

- getting individual medical treatment for mental health reasons related to COVID-19;
- going to get vaccinated;
- experiencing a side effect from a 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

Employers are generally required to pay employees the wages they would have earned had they not taken the leave, up to \$200 a day for up to three days.

2. Reimbursement available for Employers for Paid IDEL costs

Employers can only claim reimbursement for individuals who are employees under the *Employment Standards Act* (ESA). As ministry personnel are not “employees” under the ESA, a community of faith will not be reimbursed for paid leave provided to their ministers.

Reimbursement is **only** for infectious disease emergency leave pay under the ESA. Employers are not entitled to be reimbursed for vacation pay although employees are entitled to vacation pay for the wages they earn while on the paid leave.

If an employee takes only part of a day as paid infectious disease emergency leave, the employer can – but does not have to - count it as a full day of leave.

Employers may submit claims to the Workplace Safety and Insurance Board (WSIB) to get reimbursed for paying their employees the Ontario COVID-19 Worker Income Protection Benefit.

Submit a Claim

Applications for reimbursement of paid infectious disease emergency leave must be made within 120 days of the date the employer paid the employee, or by April 30, 2022 (whichever is earlier). The WSIB cannot process applications submitted after 120 days of the payment date.

Employers should ensure that their applications are complete and include all information required by the WSIB. The WSIB will not process incomplete applications.