

Employment Standards Amendment Act (Infectious Disease Emergencies), 2020

March 19, 2020

[Office of the Premier](#)

The Ontario Legislature has passed the *Employment Standards Amendment Act (Infectious Disease Emergencies), 2020* to provide job-protected leave to employees in isolation or quarantine due to COVID-19, or those who need to be away from work to care for children because of school or day care closures or to care for other relatives.

Job-protected leave

The act provides job protection for employees unable to work for the following reasons:

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

An employee will be able to take infectious disease emergency leave 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.

¹ [Ontario Newsroom](#) Retrieved 2 May 2022.

- 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.
- Any individual prescribed as a family member for the purposes of this section.

The act also makes it clear that an employee will not be required to provide a medical note if they need to take the leave. However, the employer may require the employee to provide other evidence that is reasonable in the circumstances, at a time that is reasonable in the circumstances. This could include such requests as a note from the daycare or for evidence that the airline cancelled a flight, but not a medical note.

These measures are retroactive to January 25, 2020, the date that the first presumptive COVID-19 case was confirmed in Ontario. They will remain in place until COVID-19 is defeated.

Who does this apply to?

Most employees and employers in Ontario are covered by the provisions in this legislation, 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 employees working for banks, airports, inter-provincial and international rail, and federal crown corporations.

Helping ensure the health and safety of Ontario workers and workplaces

Employers and workers in the health sector should be following the Ministry of Health [COVID-19 Guidance for the Health Sector](#).

Workers in other settings should be following the Ministry of Health's recommendations on how to protect yourself. For the most up-to-date information on how individuals can protect themselves and what to do if they suspect they may be at risk, please visit [Ontario.ca/coronavirus](https://ontario.ca/coronavirus).

Employer Obligations

Currently under the Occupational Health and Safety Act, if an employer is advised a worker is ill resulting from an exposure at work (including COVID-19), or a claim has been filed with the Workplace Safety and Insurance Board (WSIB) with respect to COVID-19 exposure at work, the employer must notify the Ministry of Labour, Training

and Skills Development in writing within four days. The employer must also notify the workplace joint health and safety committee or a health and safety representative and trade union, if any.