

Ontario Government
Extends Temporary Layoff Exemption to January 2, 2021
-and-
Confirms Leave Entitlement For Parent Who Keeps Child at Home

September 4, 2020

On September 3, 2020, the Ontario Government issued a news release (found [here](#)) in which it made two announcements, each of which has a significant impact for employers in the province.

Temporary Layoff Exemption Extended to January 2, 2021

An employer that has temporarily laid off a non-unionized employee for COVID-19 related reasons can continue to have the employee remain off work until **January 2, 2021** (extended from September 4, 2020), without triggering termination and severance pay obligations under the Ontario *Employment Standards Act, 2000* (ESA)¹. The employee is deemed to be on an Infectious Disease Emergency Leave.

This is an extension of a regulation the Government of Ontario originally passed on May 29, 2020 (discussed in an earlier briefing note found [here](#)).

Leave for Parents Who Remain at Home to Provide Childcare

An employee who chooses not to send a child back to school due to a concern about COVID-19, and provides child-care as a result, is entitled to Infectious Disease Emergency Leave. This means the employee is eligible for an unpaid leave of absence and to the same benefits and protections afforded under other ESA leaves, including benefit continuation during the leave period.

For assistance managing COVID-19 layoffs and leaves in your workplace, contact your Sherrard Kuzz lawyer or any member of the Sherrard Kuzz team at info@sherrardkuzz.com. We'll respond promptly.

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¹ Except if the employee is laid off due to a permanent discontinuance of an employer's business at an establishment, in which case the employee is entitled to severance pay under the ESA.