

Ontario Government Extends Temporary Layoff Exemption and Paid Infectious Disease Emergency Leave (IDEL) Period

December 7, 2021

Paid IDEL Extended to July 31, 2022

As discussed in our [April 30, 2021 briefing note](#), the Ontario Government 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 then extended to December 31, 2021 and now to [July 31, 2022](#). All other components of the paid IDEL program remain unchanged.

Temporary Layoff Exemption Extended to 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, such that there is no obligation to provide ESA notice or severance pay. The employee is deemed to be on an IDEL. If this regulation had not been passed, any such layoff or wage/hour reduction would have crystallized into a termination of employment, triggering ESA notice of termination and severance pay obligations.

Initially, the regulation applied to a temporary layoff or reduction in wages and/or hours between March 1, 2020 and September 4, 2020 (the “COVID-19 Period”). The COVID-19 Period was extended several times during 2021 and now to [July 30, 2022](#). The net result is that an employee who has been laid off or had their wages and/or hours reduced for COVID-19 related reasons can continue to be on IDEL until July 30, 2022, without triggering termination and severance pay obligations under the ESA¹.

For assistance with any COVID-19 related issue, contact your Sherrard Kuzz LLP lawyer, or any member of the Sherrard Kuzz team at info@sherrardkuzz.com. We’ll respond promptly.

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¹ Unless the layoff is due to a permanent discontinuance of business, in which case the employee is entitled to severance pay under the ESA.