



Emergency Leave

On March 19, 2020, the ESA was amended to address leaves of absences provisions as a result of COVID-19. There are now more leave entitlements to employees impacted by the pandemic which prohibit employers from requesting medical notes in relation to the new leave known as **Emergency Leave: Declared Emergencies and Infectious Disease Emergencies.**

Declared Emergencies

Employees are entitled to an unpaid job protected leave of absence where there has been an emergency declared and staff are unable to work as they need to provide care or assistance to a specified individual as listed below:

- 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.
- 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.

This unpaid leave will generally last until the declared emergency is terminated or disallowed. Employers will still be able to request evidence "reasonable and timely in the circumstances" to verify that the leave requested is to provide care or assistance to a specified individual.



Infectious Disease Emergencies

The amended leave provision includes a new leave called “infectious disease emergencies” and applies where the government designates an infectious disease and an employee is not able to work for one or more of the following reasons in relation to the “designated infectious disease”:

- The employee is under individual medical investigation, supervision or treatment.
- The employee is subject to an order of a medical officer of health or a court under the HPPA.
- The employee is in quarantine or isolation or subject to a control measure, including self-isolation, that is undertaken because of information or directions issued by a public health official, qualified health practitioner, Telehealth Ontario, the government of Ontario or Canada, a municipal council or a board of health.
- The employer directs the employee to stay at home because of concerns that the employee might expose other individuals in the workplace to the designated infectious disease.
- The employee is providing care to any of the specified individuals listed above, including because of closures of schools and daycares.
- The employee is directly affected by travel restrictions preventing the employee from returning to Ontario.
- Any prescribed reason.

The New Leave is also unpaid and is designed to last as long as COVID-19 remains designated by regulation and the employee is unable to work because of the reason engaged by their circumstances.

The length of the leave is dependent on individual circumstances and all staff who are requesting a leave of absence must do so appropriately through their managers and with written request to be forward to Human Resources and Payroll.

No LOA request will be unreasonably denied however CCD requires the ability to identify the most appropriate and practical options to ensure the effective delivery of essential services.