Ontario workers can now access paid COVID-19 sick days

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On April 29, 2021, Bill 284, *COVID-19 Putting Workers First Act, 2021*, was introduced in the Ontario legislature. The Bill, which gives Ontario workers three paid sick days for COVID-19-related reasons, was carried and received royal assent on the same day.

Here is what employers in Ontario need to know:

- An employee is entitled to three paid days if the employee will not be attending work or performing their duties because of any of the following reasons related to COVID-19:
    - The employee is under medical investigation, supervision or treatment (including receiving a vaccine for COVID-19 and recovery from associated side effects);
    - The employee is following a public health order;
    - The employee is quarantining, isolating or otherwise subject to a COVID-19 control measure;
    - The employee is directed by their employer not to work; or
    - The employee is providing care or support to an enumerated family member because that individual is under medical investigation, receiving treatment, isolating, in quarantine or otherwise subject to a control measure.
- An employee is entitled to receive the wages they would have earned for the day had they not taken the time off, up to a maximum of $200 per day. The employee is entitled to their regular rate of pay only, not overtime or premium pay.
- The entitlement to paid sick days is deemed to have started on April 19, 2021. The end date is currently set for September 25, 2021, although this may change as the pandemic unfolds over the coming months.
- If an employer has a paid sick or paid time off policy or program in place already, or if an employee has paid sick days under their contract, and if the employee has access to these paid days for purposes covered by the new sick day provisions, then any amount of paid sick time taken under the contractual or policy entitlements will count towards the employee's three-day statutory entitlement.

- Payments under these new provisions do not constitute compensation for purposes of the *Protecting a Sustainable Public Sector for Future Generations Act, 2019*.
- Employers may apply for reimbursement for amounts paid to employees through the Workplace Safety and Insurance Board. The application for reimbursement must be submitted within 120 days of the payment to the employee. Employers are not entitled to be reimbursed for paid days taken by employees under an employer's existing paid sick leave or paid time off program or policy, even if those days are taken for reasons covered above. In addition, employers cannot seek reimbursement for days in respect of which an employee received workers' compensation benefits.
- Employees may still use unpaid leave, including infectious disease emergency leave, as long as they qualify for it. However, paid days under the new sick day provisions must generally be used first.

If you need more information on Bill 284 or have questions about how these paid sick days may affect your organization, please contact us.

By

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