

Ontario workers can now access paid COVID-19 sick days

May 04, 2021

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:

[Stephanie Young](#), [Jeffrey Mitchell](#), [Robert Weir](#)

Services:

[Labour & Employment](#)

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 725 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2021 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.