

## COVID-19: Government of Ontario Extends Deemed Emergency Leave

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September 9, 2020

### Background

As discussed in our recent **newsletter**, the new *Bill 195 – Reopening Ontario (A Flexible response to COVID-19) Act, 2020* contains a provision that terminated the COVID-19 declared emergency. It read:

*“17 Unless it has been terminated before this section comes into force, the COVID-19 declared emergency is terminated and Ontario Regulation 50/20 (Declaration of Emergency) is revoked.”*

As a consequence of the termination of the declaration of emergency, the protections passed by the Ontario Government pursuant to *O. Reg 228/20 - Emergency Leave: Declared Emergencies and Infectious Disease Emergencies* were set to expire on September 4, 2020. This would have forced employers who have not yet fully recovered from the pandemic to consider recalling their employees to work, placing employees on layoff, or terminating their employees' employment altogether.

### Extension of Deemed Emergency Leave

The protections afforded to employers by the deemed emergency leave are to be extended to January 2, 2021. The change, which we expect to come in the form of an amendment to the existing regulation, has not yet been published. However, the Ontario Government has announced that this protection will be extended in its publication which can be found **here**.

### Conclusions

As a result of this announcement, it can be expected that employees who were laid off will continue to remain on a deemed Emergency Leave from March 1, 2020–January 2, 2021, unless they are recalled to work sooner. While each employer's particular circumstances will vary, it is expected that most employers will be able to take advantage of a full layoff period starting on January 3, 2021.

We will continue to monitor these areas and provide you with further updates as they become available. Please note that this bulletin is intended for informational purposes only and does not constitute legal advice or an opinion on any issue. We strongly recommend that you contact your Miller Canfield lawyer with your specific questions in regards to this update so that those questions can be addressed properly with you.