

Municipality of Lakeshore - Report to Council

Legislative & Legal Services

Human Resources



To: Mayor & Members of Council
From: Lisa Granger, Manager of Human Resources
Date: June 3, 2021
Subject: Infectious Disease Emergency Leave

Recommendation

This report is for information only.

Background

On April 29th, 2021, the Ontario Government amended the *Employment Standards Act, 2000* to require employers to provide employees with up to three days of paid infectious disease emergency leave ("IDEL"). The leave would need to meet specific criteria to be eligible for this paid time entitlement. This entitlement is in addition to employees' rights to unpaid infectious disease emergency leave.

The *Employment Standards Act, 2000*, under Section 50.1 Emergency Leave provides that an employee would be eligible for paid IDEL in the following situations:

1. The employee is under individual medical investigation, supervision or treatment related to the designated infectious disease.
2. The employee is acting in accordance with an order under Section 22 or 35 of the *Health Protection and Promotion Act* that relates to the designated infectious disease (i.e. Health Unit Order).
3. The employee is in quarantine or isolation or is subject to a control measure, and the quarantine, isolation or control measure was implemented as a result of information or directions related to the designated infectious disease issued to the public, in whole or in part, or to one or more individuals, by a public health official, a qualified health practitioner, Telehealth Ontario, the Government of Ontario, the Government of Canada, a municipal council or a board of health, whether through print, electronic, broadcast or other means.

4. The employee is under a direction given by his or her employer in response to a concern of the employer that the employee may expose other individuals in the workplace to the designated infectious disease.
5. The employee is providing care or support to certain individuals because,
 - The individual is under medical investigation, supervision or treatment related to the designated infectious disease, or
 - The individual is in quarantine or isolation or is subject to a control measure (which may include, but is not limited to, self-isolation), and the quarantine, isolation or control measure was implemented as a result of information or directions related to the designated infectious disease issued to the public, in whole or in part, or to one or more individuals, by a public health official, a qualified health practitioner, Telehealth Ontario, the Government of Ontario, the Government of Canada, a municipal council or a board of health, whether through print, electronic, broadcast or other means.

The three days of paid infectious disease emergency leave are only available when there is a declared emergency due to an infectious disease and it is only for absences due to that infectious disease (for example, COVID-19, SARS, etc).

Comments

An employee's entitlement for paid infectious disease emergency leave is retroactive to April 19th, 2021 and ends on September 25th, 2021, or such later date as may be prescribed. The Municipality has the option to be reimbursed for the amount of infectious disease emergency leave paid up to \$200 per day per employee. The Municipality would complete and submit an application for reimbursement to the Workplace Safety and Insurance Board.

This new benefit requires the Employer to pay employees the wages they would have earned had they not taken the leave, up to \$200 a day for up to three days. In an effort to ensure that employees receive a greater benefit, employees will be paid the balance of wages beyond the \$200 that is recovered from WSIB.

If an employee is already entitled to paid sick leave under an employment contract or employment policy which would cover any of the circumstances as described in 1 through 5 above, the employee is not entitled to any additional entitlement.

Overall Impact

1. All full time and CUPE part time presently have paid sick leave entitlements arising from their respective collective bargaining agreements or Municipal policy. The three days of paid infectious disease emergency leave are not in addition to the entitlement that is already in place. Therefore, the Municipality is not required to provide 3 additional paid sick days for any of the non-union, IBEW full time units or CUPE full time employees, unless the employee has exhausted their sick leave entitlement prior to April 2021.
2. Employees who do not have sick leave entitlements per their collective bargaining agreements (ex. Part time facility attendants), part time non-union, or otherwise (ex. Unionized employees not yet completed their probationary period, seasonal employees, students) would receive three days of paid infectious disease emergency leave pursuant to 1 through 5 above. Therefore, the Municipality is required to provide this new entitlement to this group of employees.

Financial Impacts

The total cost to the Municipality of this change in legislation will be dependent on the number of affected employees qualifying and requesting paid time off under the infectious disease emergency leave. The majority of these cost reside in the Fire Services area should all 93 volunteer firefighters need access to this benefit. The Municipality would be eligible to recover part of these costs through an application to WSIB. Any variances in this line item will be reported to Council through the quarterly variance report; however, it is anticipated that any financial impact will be absorbed in the wage accounts.

Administration does not anticipate that the maximum financial impact will be realized because of increasing numbers of vaccinations and lower rates of COVID-19 transmission resulting in less need for leave. Therefore, the number of absences is anticipated to be limited resulting in reduced costs to the Municipality. However should there be another outbreak or another pandemic, the likelihood of this cost being incurred would increase.

Report Approval Details

Document Title:	Infectious Disease Emergency Leave.docx
Attachments:	
Final Approval Date:	Jun 17, 2021

This report and all of its attachments were approved and signed as outlined below:

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