

IDEAL PROVISIONS OF THE ONTARIO EMPLOYMENT STANDARDS ACT, 2000 EXTENDED TO DECEMBER 31, 2021

Most of you already know (but just in case) that the Infectious Disease Emergency Leave (“**IDEAL**”) provisions of the Ontario *Employment Standards Act, 2000* have been extended to **December 31, 2021** (they were previously set to expire on September 25, 2021).

In summary, this means that the following IDEAL rules continue to apply until the end of 2021.

1. [Employees continue to be eligible for up to 3 days of paid Infectious Disease Emergency Leave for certain reasons related to COVID-19.](#)

The extension does not mean employees are entitled to **another** 3 days of leave. However, if an employee had not used the 3 days of IDEAL leave by September 25, 2021, they continue to be eligible to use up to 3 days of paid IDEAL leave to December 31, 2021. In total, 3 days are the maximum number of paid IDEAL days for 2021.

2. Employees continue to be eligible for [unpaid Infections Disease Emergency Leave](#) if they are not working for certain reasons related to COVID-19 TO December 31, 2021.
As such, if an employee went on IDEAL leave before September 25, 2021, they can continue on unpaid IDEAL leave (if they continue to meet the conditions) until December 31, 2021. Employees may start unpaid IDEAL leave after September 25, 2021 (if they meet the conditions) and it will end on December 31, 2021, subject to further extensions by the Government.

3. Employees whose hours of work have been reduced or eliminated by the employer because of COVID-19 continue to be on a “deemed IDEAL leave”.
This means the lay-off provisions of the ESA do not apply to an employee; this will continue to December 31, 2021. Note, this does not prevent an employee, whose hours has been reduced or is not working at all due to COVID-19, from claiming constructive dismissal at common law.

If you have questions about any of these impacts of the extension of the IDEAL provisions to December 31, 2021, please contact me for a consultation.

Kind regards

Maria McDonald

McDonald HR Law

DISCLAIMER

Please read: The following is legal information. It is **not** legal advice. This is important because in these difficult times we have to be very careful not to overstate answers or solutions to what can be complex decisions. Our legal environment is changing day by day. This information is limited to the date it was written. Municipal, provincial or federal governments may introduce new laws as days go by.