

Frequently Asked Questions (FAQ) on Ontario COVID-19 Worker Income Protection Benefit

May 4, 2021

Due to the rapidly changing circumstances surrounding COVID-19 and its impact on workers, program support criteria are subject to change. Be sure to visit www.unifor.org/covid19 to download updated versions of this fact sheet.

Note: On February 19, 2021, the federal government announced proposed legislative and regulatory changes that would increase the number of weeks of benefits available for the Canada Recovery Benefit (CRB), the Canada Recovery Sickness Benefit (CRSB), and Employment Insurance (EI) regular benefits:

<https://www.canada.ca/en/employment-social-development/news/2021/02/crb-extension.html>

Please note that the new temporary paid sick leave measures only apply to workers covered by Ontario's Employment Standards Act and does not cover federally regulated workers in sectors such as telecommunications, rail, and airlines, etc. who already have access to three days of paid sick leave under the Canada Labour Code."

On April 29, 2021, the Government of Ontario passed legislation mandating that employers provide employees with paid sick leave under the [Ontario COVID-19 Worker Income Protection Benefit](#). The program entitles workers to take up to three days of paid sick leave at up to \$200 per day in wages, if they are:

- going for a COVID-19 test or staying home awaiting the results of a COVID-19 test
- sick with COVID-19
- advised to self-isolate due to COVID-19 by an employer, medical practitioner or other authority
- going to get vaccinated or recovering from vaccination side-effects
- taking care of a dependent who is:
 - sick with COVID-19 or has symptoms of COVID-19
 - self-isolating due to COVID-19
 - getting vaccinated or recovering from vaccination side-effects

These temporary measures, referred to as ‘infectious disease emergency leave pay’, will be retroactive to April 19, 2021 and will end on September 25, 2021.

This FAQ document aims to provide Unifor members with the most up to date answers we have on frequently asked questions about Ontario’s temporary paid sick leave measures.

If I already have paid sick leave as part of my current collective agreement or employment contract, will I get an additional three days of paid sick days?

No, you will be topped up to three days of paid sick leave if you have one or two days of paid sick leave under your current employment contract. Any workers who already have three or more days of paid sick leave will not be covered by the new paid sick leave measures.

What if I have to take more than three days of sick leave? Can I continue to take sick leave for as long as I am ill or for other reasons related to COVID-19?

Yes, employees are currently entitled to take unpaid sick leave under [Ontario’s infectious disease emergency leave](#) measures, which allows workers to take unpaid sick leave for reasons related to COVID-19 without fear of reprisal or dismissal by their employers.

If I take unpaid sick leave after my three days of paid sick leave, can I apply for compensation through the [Canada Recovery Sickness Benefit \(CRSB\)](#)?

Only if the unpaid sick days fall within a one-week period during which you received no paid sick days. Unfortunately, the current CRSB rules do not allow you to apply for the CRSB for days that fall within a week when you received paid leave from your employer.

For example, if you were ill all week and took paid sick leave from Monday to Wednesday, you would not be eligible to be compensated through the CRSB for any unpaid leave taken on Thursday and Friday. Any days of unpaid sick leave taken the following week would be eligible for the CRSB.

Will I need a sick note to prove to my employer that I was absent for reasons related to COVID-19?

Employers cannot ask you for a sick note or medical certificate from a nurse or doctor to prove that you were eligible for sick leave (whether paid or unpaid), but may require you to provide ‘evidence reasonable in the circumstances’, which is determined on a case-by-case basis. Examples include a printout or screenshot of information issued by a public health official advising quarantine/self-isolation or a copy of an order to self-isolate. For more information, please refer to [the province’s infectious disease emergency leave information](#).

What if I take a few hours off from work to get vaccinated? Will my paid sick leave only apply to the hours I am absent from work?

Under the paid sick leave legislation, taking part of a day counts as taking a full day of leave. In other words, if you only take a few hours from work for vaccination or any other COVID-19 related reason, you are considered to have taken a full paid day of sick leave.

I make less than \$200 a day. What will my employer pay me if I take sick days under these new measures?

If you make less than \$200 a day, you will be paid your regular wages for the day, not including any overtime that would have otherwise been paid.

I make more than \$200 a day. Is my employer required to pay me my full wages for the day if I take sick leave under these new measures?

No, employers are only obligated to pay up to \$200 per day for any days of sick leave taken under the new measures. Your employer may elect to pay you more, but the maximum amount they can be reimbursed by the Workplace Safety and Insurance Board (WSIB) is \$200 per day.

I earn part of my pay from tips and/or commissions. Will the paid sick leave measures cover what I usually earn from these sources?

No, the paid sick leave measures will only cover your base wages.

I work as a freelancer and/or independent contractor. Am I covered by this new program?

No, the legislation implementing the program only applies to individuals defined as 'employees' under Ontario's Employment Standards Act (ESA), which does not include independent contractors or freelancers. However, as a freelancer or independent contractor, you are eligible to apply for the [Canada Recovery Sickness Benefit \(CRSB\)](#).

If I took unpaid sick leave on or after April 19, 2021 for reasons related to COVID-19, but before the legislation was enacted on April 29, am I still eligible for the three days of paid sick leave?

Yes, but you must inform your employer in writing by May 13, 2021 that you intend to take those days as paid sick leave.

What if I am called in for a shift at the last minute but cannot work for reasons related to COVID-19? Will I be eligible for paid sick leave?

If you were scheduled by the employer for a shift and were then unavailable to work due to reasons related to COVID-19, yes, you are eligible. If the employer simply called you to see if you were available to work that day, no, you are not eligible for paid sick leave.

How much notice am I required to give my employer in order to take paid sick leave? For example, am I eligible for paid sick leave if I elect to attend a pop-up vaccination clinic that is announced at the last minute?

There is no requirement to give your employer a specific amount of notice to take paid sick leave under the new measures. However, you must inform your employer that you are unavailable to work for COVID-19 related reasons as soon as you can.



Who can I contact for more information?

You can call the designated Ontario COVID-19 Worker Income Protection Benefit Information Centre at 1-888-999-2248.

For more COVID-19 related worker support information, visit www.unifor.org/covid19

Prepared by Unifor