



January 10, 2021

Q and A for Infectious Disease Emergency Leave

Employee Services

Applicable to all Employees as appropriate including Temporary and Casual Employees

The paid Infectious Disease Emergency Leave (IDEL) came into effect April 19, 2021 and will end on **July 31, 2022**, unless extended by regulation. Employers may be reimbursed for payments made to employees for the new paid leave by the Workplace Safety and Insurance Board (WSIB). (Note that while this leave is being called “paid sick leave” in the media, we refer to it as Paid IDEL in this update as it covers a wider range of potential absences than just sickness.)

On April 29, 2021, the Government of Ontario passed Bill 284, the *COVID-19 Putting Workers First Act, 2021*. This legislation amends the Ontario *Employment Standards Act, 2000* (“ESA”) to provide time off (paid and unpaid) for COVID-19-related matters, including vaccination.

1. Under what circumstances is paid IDEL available?

- The employee is under individual medical investigation, supervision or treatment (including receiving a vaccine and recovery from that vaccine)
- The employee is subject to an order under the *Health Protection and Promotion Act*
- The employee is in quarantine or isolation or is subject to a control measure (which may include, but is not limited to, self-isolation) as a result of information or directions from a wide range of public health officials, medical practitioners, governments, Telehealth or municipal councils
- The employee has been directed by their employer to not attend work in response to a concern of the employer that the employee may expose other individuals in the workplace to the designated infectious disease
- The employee is required to provide care or support to a specified individual providing care or support to a specified individual, because:



- the individual is under individual medical investigation, supervision or treatment (including receiving a vaccine and recovery from that vaccine)
- the individual is in quarantine or isolation or is subject to a control measure (which may include, but is not limited to, self-isolation) as a result of information or directions from a wide range of public health officials, medical practitioners, governments, Telehealth or municipal councils. (The individuals specified are identical to those for unpaid IDEL and include a wide range of family members.)

Payment of \$200 per day or daily rate of pay if less than \$200 a day up to a maximum of 3 days, if eligible.

2. Is paid IDEL available to a temporary or part-time employee?

Yes, so long as the employee is employed by a provincially-regulated employer and the employment is governed by the ESA, including: full-time and part-time employees, students, construction employees, unionized and non-unionized, temporary employees, servers, employees working from home, employees working in a home (such as a nanny), *etc.* and the employee is not entitled to any sick days in that position.

Payment of \$200 per day or daily rate of pay if less than \$200 a day up to a maximum of 3 days, if eligible.

3. If an employer already provides paid sick days (personal days, etc.), is an employee still entitled to be paid IDEL?

If, **on April 19, 2021**, an employee is entitled to a paid leave under an employment contract **for any of the circumstances in which the employee would be entitled to paid IDEL**, and the pay for each day of leave is equal to or greater than the pay for a paid IDEL day, the employee's entitlement to paid IDEL is reduced by the entitlement under the contract.

Example:

If an employee is entitled to five days of paid time off under an employment contract and the pay for each day of leave is equal to or greater than the pay for a paid IDEL day, that paid time off could be used for any IDEL purpose. If as of April 19, 2021 the



employee has used none of those days, the employee will not be entitled to any paid IDEL. Any paid days off will be provided in accordance with the terms of the employment contract.

If that same employee has used two of the paid days provided under the employment contract, such that as of April 19, 2021 the employee has three more days available, the employee will not be entitled to any paid IDEL. Any paid days off will be provided in accordance with the terms of the employment contract.

If that same employee has used three paid days under the employment contract such that, as of April 19, 2021 the employee has only two paid days available, the employee is entitled to one additional paid IDEL day (should it be needed).

If that same employee has used five paid days under the employment contract such that, as of April 19, 2021 the employee has no paid days available, the employee is entitled to up to three additional paid IDEL days (should any be needed).

This analysis must be done on an individual basis because each employee may have used a different number of the employer-provided paid days off. The only time this becomes a blanket analysis (*i.e.*, not employee-by-employee) is if the employer does not provide *any* paid days off which could be used for an IDEL purpose. In that case, after April 19, 2021, every employee is entitled to up to three paid IDEL days (if needed).

This will be reviewed on a case by case basis.

4. Is the \$200 payment subject to deductions and will the employer be entitled to recover from the WSIB the employer contributions for CPP, EI, etc.?

The \$200 is considered wages and subject to regular deductions. The employer is not entitled to reimbursement of any related employer contributions for CPP, EI, etc.

To initiate payment under IDEL, the employee must complete the on-line form.

How to Apply for Infectious Disease Emergency Leave (IDEL)

1. Go to [TDSBweb](#).
2. Click on [EmployeeServices](#).
3. Click on Forms.
4. Click on IDEL form.
5. Complete the [form](#).
6. Submit the form.



If an employee is eligible for and requests an Infectious Disease Emergency Leave, due to illness including taking the vaccine, the form must be completed and submitted.

Disclaimer: Information contained in this document is subject to change from the Government of Ontario.