

On April 29, 2021, the Ontario government amended the *Employment Standards Act* to require employers to provide up to three days of “paid infectious disease emergency leave.” The COVID-19 Worker Income Protection Benefit (WIPB) is a temporary program put in place by the government to respond to the overwhelming calls for paid sick days. While this program falls short in many vital areas, it is important that you understand what you are entitled to under the new legislation.

When can I start taking paid sick days under this new program?

Although the government amended the *Employment Standards Act* (ESA) on April 29, 2021, workers can receive owed wages for unpaid sick days taken between April 19 and April 28, 2021. Employees must advise their employer in writing no later than May 12, 2021.

When am I entitled to take a paid sick day under the new program?

The temporary paid sick days program is available to you if you are:

- going for a COVID-19 test
- staying home awaiting the results of a COVID-19 test
- at home sick with COVID-19
- going to get vaccinated
- experiencing a side effect from a COVID-19 vaccination
- advised to self-isolate due to COVID-19 by an employer, medical practitioner or other specified authority
- providing care or support to certain relatives for COVID-19 related reasons, such as when they are:
 - sick with COVID-19 or have symptoms of COVID-19
 - self-isolating due to COVID-19 on the advice of a medical practitioner or other specified authority

You do not need to take all three days consecutively.

How much is my employer required to pay me if I take a sick day?

Employers are required to pay employees up to \$200 per day (or \$28.52 per hour for a 7-hour shift) for up to three days, depending on their current wage. For example, if you would typically work a 7-hour shift at \$15 per hour, your employer will be required to pay you \$105 for each sick day that you take.

Who is eligible for the temporary paid sick days program?

The three days of paid leave are available to workers covered by the *Employment Standards Act* (ESA). **Independent contractors, workers in federally regulated workplaces and students in work experience programs do not qualify for these days.**

1

Do I need a doctor's note to take a paid sick day?

You do not need a doctor's note. Employers cannot require an employee to provide a certificate from a doctor or a nurse as evidence.

Can I receive the Canada Recovery Sickness Benefit and a paid sick day at the same time?

Suppose you receive a paid sick day under this program. In that case, you must forgo receiving the Canada Recovery Sickness Benefit (CRSB) in the same week.

In some cases, it might be more beneficial to opt out of receiving a paid sick day in favour of collecting the CRSB. The CRSB offers a flat rate of \$450 per week after taxes. Workers earning less than \$150.01 per day (or \$21.43 per hour for a 7-hour shift) in gross wages would receive more money from CRSB than the temporary paid sick day program.

It is important to note that the CRSB is not seamless, meaning you may wait a few weeks before receiving the benefit. You will have to determine which program would best serve your needs.

How can I opt out of the paid sick day program?

You may opt-out of the paid sick days program by advising your employer in writing before the end of the pay period in which you took your paid sick days.

What should I do if I need more than three days off?

You should apply for the Canada Recovery Sickness Benefit (CRSB), which gives income support to employed and self-employed workers who cannot work. Through the benefit, you are eligible to receive \$450 (after taxes are withheld) for a 1-week period. You can apply for the CRSB for up to four weeks.

For more information on how to apply for the CRSB and if you are eligible, please visit:

<https://www.canada.ca/en/revenue-agency/services/benefits/recovery-sickness-benefit.html>

This new temporary paid sick days program still leaves many workers behind. We continue to call for at least 10 permanent, legislated paid sick days that are seamless, universal and adequate, plus an additional 14 paid sick days during health emergencies. You can join the call for legislated paid sick days by writing your MPP using this e-mail tool:

<https://www.decentworkandhealth.org/paidsickdays>

Please call our Workers' Rights Hotline at the Workers' Action Centre for more information or about any issue you have with your rights at work at 416-531-0778 or visit our website:

www.workersactioncentre.org.