

Dear all,

I hope this email finds you well.

I received many questions concerning how to deal with parish employees that are sick, quarantined or self-isolated but also when the parish is temporarily closed due to COVID-19. I prepared this summary that, I hope, will help you make your decisions. If you have further questions or wish to discuss a specific case, please let me know.

## SUMMARY

A. If an employee is sick, quarantined or self-isolated he/she/they may qualify for Employment Insurance (EI) under new eligibility criteria implemented by the Federal Government for COVID-19 situations (see point D below for more details).

B. If an employee does not provide a work service because of the parish temporary closure (note that teleworking is considered as working), the parish is not obliged to compensate the employee. We are encouraged, however, to be understanding and flexible in the current circumstances. If financially possible, the parish may continue to compensate the employee for a certain period (for example, the first 14 days of social distancing) and proceed with a temporary layoff after, if necessary.

C. If a parish decides that it is necessary to lay-off an employee for a temporary period, a few details are to be considered:

- **What is a temporary layoff?** Generally, a layoff is a period when an employer ceases to provide work and (in most cases) compensation to an employee temporarily. The employment relationship remains, despite this interruption of work and/or compensation, with the understanding that work and compensation may resume in the future.

- **How long can a temporary layoff last?** Temporary layoffs are just that – temporary. These are unprecedented times but based on current projections, related layoffs should be temporary. If an employee is laid off for a period longer than 6 months, you may be considered to have terminated the employee's employment and termination obligations, including full severance obligations, will apply. – If we reach that point, I will be there to guide you.

- **Is advanced notice required before a temporary layoff?** There are no advance statutory notice requirements before an employee can be placed on a temporary layoff.

- **Do you pay employees while on temporary layoff?**

  - § Layoff periods are generally unpaid. However,

    - employees may qualify for Employment Insurance (EI)
    - employees may also, on a voluntary basis, use their vacation time during a period of a temporary layoff to continue to receive pay, if not eligible for EI.

- **What else should you know?**

  - § You are encouraged to provide timely, transparent and ongoing communications to your employees in respect of any temporary layoffs, including with respect to any anticipated recall dates or extensions to the layoff period. To that end, you will want to ensure that you have up to date contact information for each employee so that communications are effective.

  - § A Record of Employment (ROE) must be issued for each of the employees that are sick or on a temporary layoff. Please let me know of any layoff period for an employee so we can issue the ROE.

D. In response to the outbreak of COVID-19, the Federal Government of Canada has announced several measures to assist eligible employers and employees. In particular, the Government has announced changes to the Employment Insurance Sickness Benefits.

- **What does EI sickness benefits provide?**

  - § Financial support for eligible workers who:

    - are unable to work for a medical reason (which now includes being subject to quarantine or self-isolation) – *Please note that this doesn't include social distancing;*
    - have experienced a decrease in regular weekly earnings of more than 40% for one week; and
    - have accumulated 600 insured hours of work in the 52 weeks before the start of the claim.

- **How much can an employee claim and for how long?**

§ EI Sickness Benefits pay 55% of an employee's insurable earnings, up to a maximum of \$573 per week, less applicable taxes.

§ Employees can claim these benefits for a maximum of 15 weeks.

○ **What is a waiting period and how has it changed?**

§ A waiting period is a period of time in which an employee does not receive EI Sickness Benefits.

§ Normally, there is a one (1) week waiting period for EI Sickness Benefits, in which an employee would not receive payment. For example, if an employee were under quarantine or self-isolated for two (2) weeks, they would only receive one (1) week of EI Sickness Benefits.

§ The Government has now waived the one (1) week waiting period. This means employees will now be able to access benefits for their period of absence, up to a maximum of 15 weeks.

○ **Is a doctor's note required to access EI Sickness Benefits?**

§ Normally, a medical certificate (signed by a qualified medical professional) is required to access the benefits.

§ As of March 11, 2020, the Government has stated that they are waiving the medical note for individuals required to go into quarantine by law or by a public-health official.

§ Should the quarantine period or self-isolation period be extended, a signed medical certificate may still be necessary.

○ **Will the Employer's top up an employee's EI Sickness Benefits?**

§ A Supplementary Unemployment Benefit Plan (SUBP) is established by the diocese and coverage is extended to all active clergy in the Diocese holding a license and to all Synod Office employees. It doesn't apply to college or parish employees.

§ The SUBP tops up employees' EI benefits during a period of unemployment due to a temporary layoff for, among other things, sickness.

§ The combined Employment Insurance (EI) and SUBP benefits payments, together with any other earnings, will amount to, but not exceed, 95% of the employee's regular weekly earnings, up to the maximum earnings insurable for EI purposes.

I recognize that change resulting from COVID-19 is happening in real-time. When making decisions to protect your employees, parishioners and/or parish, I strongly recommend that you contact me, whenever you need to. I will be happy to guide you so you can make the best decision in this complex and evolving context.

Sincerely,

**Sophie Bertrand, CHRP/CRHA**

**Human Resources and Program Manager / Directrice des ressources humaines et programme**