

Ontario Infectious Disease Emergency Roles and Obligations

March 17, 2022

The Ontario Government has extended the Infectious Disease Emergency Leave (IDEL) period.

You can learn more about the changes to Ontario's Employment Standards Act (ESA) on their [website](#).

Please consider your ESA obligations when classifying an absence from work due to COVID-19. This absence may qualify as a statutory leave as opposed to a lay off. An IDEL is a type of statutory leave. You'll find some tips below to keep top of mind regarding IDELs.

You need to consider whether your employees qualify for this leave or another type of statutory leave. Consider whether:

- Ontario's ESA applies to your employees
- Your employees are non-unionized
- You temporarily reduced or eliminated their hours of work because of COVID-19 at any time since March 1, 2020

How an IDEL affects coverage

Ontario's ESA deems most layoffs resulting from COVID-19 to be IDELs. You need to follow the ESA obligations that apply to statutory leaves. Plan members can continue their coverage while on an IDEL. To do so, they must pay their share of the premiums. Consider this example:

- You make temporary changes to a non-unionized employee's hours of work today because of COVID-19. This employee has life, disability, health, and critical illness coverage. This employee is willing to pay their share of the premiums for the duration of the leave. You must continue that coverage until the member returns to work or until July 31, 2022 (if the Ontario government doesn't extend this date).

For employees who were on a layoff before May 29, 2020, the analysis is more complex. That's because:

- The changes to the ESA would have likely deemed that layoff to be an IDEL.
- For a deemed IDEL, the coverage that your employees had on May 29, 2020, determines your coverage obligations.
- Employees likely had a right to keep the coverage in place on May 29, 2020, for the balance of the IDEL. They had to pay their share of the premiums.

Know that plan members can choose, in writing, to stop paying their share of premiums. If this happens, you can terminate their group benefits coverage. To do this:

- Please use the *Plan Sponsor request to continue group coverage* smart form available on our Plan Sponsor Services site.
- The plan member must sign a waiver form. This form lets them know the effect of terminated coverage, not just during the leave but when they return to work. This form is available in the *Plan Sponsor request to continue group coverage* smart form.

Group Benefits are provided by Sun Life Assurance Company of Canada, a member of the Sun Life group of companies.



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If you believe you incorrectly terminated coverage for any employee who qualifies for IDEL, please contact us to discuss.

[For employees who are on a layoff](#)

For any layoff, you can maintain benefits up to the limit indicated in your contract. The standard is 3 months, but your contract may have a longer period. You must apply your coverage decision equally to all employees within the same class.

[Get legal advice](#)

Your coverage obligations during statutory leaves, including those related to COVID-19, are complex. Consult with your legal advisors to determine which plan members fall under this regulation.

[Unsure of how to help your employees? We're here for you.](#)

If you have fewer than 50 employees, please contact the Client Service Administrator Team at 1-877-786-7227.

If you have more than 50 employees, please contact your Sun Life Group Benefits representative.