

FTR Now

New Regulation to Provide Temporary Relief from ESA Termination Provisions

Date: May 29, 2020

Earlier today, the Ontario government published a new regulation under the *Employment Standards Act, 2000* (ESA) that is intended to provide temporary relief from the ESA's termination provisions for employers whose operations have been shut down or otherwise curtailed by COVID-19.

The regulation will accomplish this in several ways:

- deeming certain employees whose hours or wages have been temporarily reduced to be on an Infectious Disease Emergency Leave
- deeming temporary reductions in hours or wages during certain defined periods not to be layoffs
- deeming temporary reductions in hours or wages during certain defined periods not to constitute a constructive dismissal.

The regulation ([O. Reg. 228/20, Infectious Disease Emergency Leave](#)) is complex, and there are a range of qualifications and exceptions to these general principles. Notably, the new rules do not apply to unionized employees.

We are reviewing the regulation in detail, and will be publishing a more complete review of the new rules by Sunday, May 31, 2020.