

MARCH 2020

# COVID-19 EMPLOYMENT QUESTIONS ANSWERED

RESOURCES AND THE LATEST  
INFORMATION TO CONSIDER FOR  
THE UPCOMING WEEKS



ARLYN RECRUITING LTD

# 02

## SUMMARY

The **COVID-19 pandemic** has caused immense uncertainty amongst individuals within various organizations. Layoffs, salary reductions and decreases in weekly hours' are becoming more common than ever. To make things simple for you, we've compiled a **common list of questions** that candidates have asked over the past few weeks, everything from being laid-off, wage deductions, types of **Employment Insurance**, and even the newly implemented **CERB**.

For more detailed information, please click the hyperlink below to visit the Government of Canada Website.

We hope you will find this document useful during these challenging times.



### 1. Can an employee refuse a wage deduction or reduced hours due to COVID-19?

An employee **can't be forced** to accept any significant changes to the terms of their employment, such as wage deductions, reduced hours, or changes in benefits due to the pandemic.

However, **if an employee is to resist the alterations to their employment terms, this would ultimately result in a constructive termination.** In this case, the employee would be entitled to severance pay and the ability to claim damages.

With all of the uncertainty going on, we found that most employees are more willing to accept proposed wage changes and reduced hours, as it's more important for them to have a job, than not.

### 2. Can employers temporarily lay employees off due to the COVID-19 pandemic?

The answer is **yes**, and this is becoming increasingly more common amongst many organizations, due to the decrease in workflow and income. The Canadian Government has however, recently implemented a 75% wage subsidy to help Canadian employers reduce the need for layoffs. This will help businesses to keep and return workers to the payroll.

However, if an employee has been **diagnosed with COVID-19** and is then requested to self-isolate, **this is not grounds for unpaid layoff or termination.**

### 3. Can an Employee apply for Employment Insurance Sickness Benefits if they are self-quarantining without showing symptoms?

The simple answer is **'no'**, you are **unable to claim Employment Insurance Sickness Benefits** if you **do not** have an **official medical certificate, stating you are unable to work due to medical reasons.** This benefit is meant for those who are unable to work due to a medical condition **or in this case, diagnosed with COVID-19.**

# 04

With the newly proposed, "**Canada Emergency Response Benefit (CERB)**", employees who have **no income**, due to the COVID-19 slowdown (**but haven't been officially laid off**), will be eligible to apply for this benefit.

## 4. Has there been a change in the eligibility rules to qualify for regular Employment Insurance (EI)?

As of now, the Government of Canada **has not** changed the eligibility requirements for qualifying for **regular EI**. An employee will still have to have worked for **52 weeks** prior to claiming their **Employment Insurance**.

## 5. Is an employee entitled to a salary whilst quarantined?

If an employee has been **diagnosed with COVID-19**, and is then required to self-isolate and not work, the employee is legally not entitled to a regular salary, during the weeks' away from work.

March 17th marks the date BC began the process of amending the Employment Standards Act to allow further support to employees amidst the spread of COVID-19.

Instead, a claim can be made through the employees' disability insurance (or sick leave policy), which is typically offered through many employers. Alternatively, an employee can apply for Employment Insurance (EI) Sickness Benefits, which is designed to support Canadians who are in quarantine.

The newly proposed "**Canada Emergency Response Benefit (CERB)**," is also another option, eligible for workers who have **no income due to the COVID-19 slowdown, but have not been officially laid off**.

## 05

**6. What types of support are students being given with regards to student loans?**

There are several new levies in place, most notably the government is proposing a six-month interest-free moratorium on the repayment of Canada Student Loans, for all individuals currently in the process of repaying these loans.

**7. There is a lot of talk in here about CERB. What is it and am I eligible?**

Essentially, the **Emergency Care Benefit and the Emergency Support Benefit** have been merged to form the **Canada Emergency Response Benefit (CERB)**. The CERB will pay out **\$2,000 per month for the next 4 months**, backdated to March 15th. Applications for CERB will be accepted from April 6th onwards.

This new benefit will **cover employees who have lost their jobs, are sick or quarantined, and parents who must stay home without pay to care for their children**. CERB will also cover workers who have no income due to the COVID-19 slowdown, but have not been officially laid off. CERB covers employees, contract workers and self-employed workers.

In order to qualify for this benefit, applicants must have had \$5000 in employment income, self-employment income, or received maternity/parental leave benefits in 2019 or in the 12 month period preceding the day they make the application.

**8. What if an employee has already applied for EI benefits? What if they are already receiving it?**

If your employee has **already applied** for EI, they **do not** have to reapply for the CERB. Their claim will be **automatically moved over** to the CERB.

If your employee is **already receiving** their EI benefits, they will **continue to receive those benefits up until they run out and should not** apply for CERB. If the EI benefits **end before October 3rd, 2020**, and they are still unable to return to work, **they can then apply for the CERB benefit**.