

## WSIB & Paid COVID-19 Sick Leave

On April 29, 2021 the Ontario Government enacted Bill 284, COVID-19 Putting Workers First Act, 2021 (“the Act”) which introduced Infectious Disease Emergency Leave Pay (“Paid Leave”).

Employees will now be eligible to receive up to three paid days for COVID-19 related reasons. The Paid Leave will be administered by the employer and will be applied retroactively starting from April 19, 2021, and will expire on September 25, 2021.

The employer will be required to pay eligible workers up to \$200.00 a day for up to three days. Employers will then be eligible to apply to the Workplace Safety and Insurance Board (“WSIB”) for reimbursement. See the attached link for the WSIB online application. <https://ontario-covid19-worker-income-protection-benefit.ca/en>

The application for reimbursement must be made within 120 days of the payment to the employee. No application will be accepted by the WSIB after January 25, 2022.

The WSIB will make a determination based on the information provided whether the Employer is entitled to reimbursement.

Determinations will be communicated in writing to the employer but are not within the WSIB’s normal decision-making process under the *Workplace Safety and Insurance Act, 1997*, and an Employer has no right of reconsideration or appeal to the WSIB, or the Workplace Safety and Insurance Appeals Tribunal.

The funds provided from the Ontario Government to the WSIB for Paid Leave reimbursement are not part of the insurance fund under the *Workplace Safety and Insurance Act, 1997*. The Paid Leave will be treated separately from an Employer’s WSIB accounts, and we do not anticipate any impact WSIB-related costs.

The Paid Leave is paid directly to the worker and calculated using the employee’s regular rate of pay up to \$200. For example if a worker earns \$320 a day, they only receive \$200. No money is paid to benefits and it is subject to income tax.

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An employee will be deemed eligible for the Paid Leave if they meet one or more of the following circumstances:

- Going for a COVID-19 test
- Staying home awaiting the results of a COVID-19 test
- Being sick with COVID-19
- Getting individual medical treatment related to COVID-19
- Going to get vaccinated
- Experiencing a side effect from a COVID-19 vaccination
- Having been 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 on the advice of a medical practitioner or other specified authority

Updates to the Paid Leave reimbursement process can be viewed at:

[Ontario COVID-19 Worker Income Protection Benefit | Ontario.ca](https://www.ontario.ca/en/health/covid-19/ontario-covid-19-worker-income-protection-benefit)