



Canada Recovery Benefits Legislation Receives Royal Assent

October 5, 2020

Focus readers will recall that, in late August, the Federal Government announced its intention to introduce legislation that would support the creation and implementation of three new recovery benefits to become available as of September 27, 2020:

- Canada Recovery Benefit (“CRB”)
- Canada Recovery Sickness Benefit (“CRSB”)
- Canada Recovery Caregiving Benefit (“CRCB”)

On September 24, 2020, the Federal government tabled Bill C-2, *An Act relating to economic recovery in response to COVID-19*. Amongst other things, Bill C-2 would have enacted the *Canada Recovery Benefits Act* to authorize the payment of the CRB, CRSB and CRCB in response to COVID-19.

On September 28, 2020, rather than amending Bill C-2, the Federal government tabled a new Bill (Bill C-4, *An Act relating to certain measures in response to COVID-19*) that incorporates changes to the CRSB sought by the NDP. Bill C-4 was passed by the House of Commons on September 29, 2020. The Bill received first reading in the Senate on September 30, 2020, was passed by the Senate without amendment and received Royal Assent on October 2, 2020.

Although generally quite similar to what was originally announced in August and discussed in our previous [Focus Alert](#), the CRB, CRSB and CRCB as tabled are different in certain ways.

The following table provides a high-level overview of each of the new recovery benefits under Bill C-4, including details on benefit amounts, duration, eligibility criteria and other limitations or restrictions.

	Canada Recovery Benefit (CRB)	Canada Recovery Sickness Benefit (CRSB)	Canada Recovery Caregiving Benefit (CRCB)
Benefit Amount	\$500.00/week	\$500.00 for each 1-week period	\$500.00 for each 1-week period
Benefit Duration	26 weeks (13 two-week periods)	2 weeks	26 weeks Aggregate per household
Benefit Period	September 27, 2020 – September 25, 2021	September 27, 2020 – September 25, 2021	September 27, 2020 – September 25, 2021
Reasons related to COVID-19	<ul style="list-style-type: none"> • Are not employed or self-employed, or • Had at least a 50% reduction in their average weekly employment or self-employment income for the two-week period <p><u>Working while receiving the CRB:</u></p> <ul style="list-style-type: none"> • Workers will be able to earn income from employment or self-employment while they collect the CRB as long as they continue to meet all other eligibility requirements. The CRB has an income threshold of \$38,000. A worker will have to reimburse \$0.50 for every dollar of income above \$38,000 for 2020 or for 2021, up to a maximum of 100% of the amount of benefit received. 	<ul style="list-style-type: none"> • Are unable to work at least 50% of their scheduled work week during each week of the total claim period because they: <ul style="list-style-type: none"> ◦ Have contracted or might have contracted COVID-19. ◦ Have underlying conditions; are undergoing treatments or have contracted other sicknesses that, in the opinion of a medical practitioner, nurse practitioner, person in authority, government or public health authority, would make them more susceptible to COVID-19, or ◦ Are in isolation on the advice of their employer, a medical practitioner, nurse practitioner, person in authority, government or public health authority for reasons related to COVID-19. 	<ul style="list-style-type: none"> • They cannot attend school or other facility because: <ul style="list-style-type: none"> ◦ They contracted or might have contracted COVID-19. ◦ They are in isolation on the advice of a medical practitioner, or nurse practitioner, or a government or public health authority for reasons related to COVID-19. ◦ They would, in the opinion of a medical practitioner or nurse practitioner, be at risk of serious health complications if they contracted COVID-19, or ◦ The person who usually cares for the child is not available for reasons related to COVID-19 <p>OR</p> <p>2. They are caring for a family member who requires supervised care because their day program or facility is unavailable or closed or available or open only at certain times or for certain persons, or the family member cannot attend for reasons similar to those set out in #1, above. Family member is broadly defined to include “anyone whom the person considers to be like a close relative or who considers the person to be like a close relative.”</p>



Eligibility Criteria	<ul style="list-style-type: none"> • Valid SIN • At least 15 years old on first day of 2-week period • Resident and present in Canada during any two-week period in which benefits are claimed • Earned at least \$5,000 in 2019 or 2020 or the 12-month period prior to applying from the following sources: <ul style="list-style-type: none"> ◦ Employment and/or self-employment income ◦ Maternity and/or parental benefits from Employment Insurance or similar Quebec Parental Insurance Plan (QPIP) benefits • Was available and sought work during the period in which benefits are claimed • Did not voluntarily and unreasonably quit their employment or cease to work: <ul style="list-style-type: none"> ◦ On or after September 27, 2020; or ◦ Since first receiving this benefit. • In the eight weeks prior to the period in which benefits are claimed, and during the 2-week period when benefits are claimed, did not: <ul style="list-style-type: none"> ◦ Fail to return to work following a reasonable request from their employer; ◦ Fail to resume self-employment when it was reasonable to do so; or ◦ Decline a reasonable offer to work that would have started during the period in which benefits are claimed. 	<ul style="list-style-type: none"> • Valid SIN • At least 15 years old on the first day of the week • Resident and present in Canada during the week in which benefits are claimed • Earned at least \$5,000 in 2019 or 2020 or the 12-month period prior to applying from the following sources: <ul style="list-style-type: none"> ◦ Employment and/or self-employment income ◦ Maternity and/or parental benefits from Employment Insurance or similar Quebec Parental Insurance Plan (QPIP) benefits 	<ul style="list-style-type: none"> • Valid SIN • At least 15 years old on the first day of the week • Resident and present in Canada during the week in which benefits are claimed • Earned at least \$5,000 in 2019 or 2020 or the 12-month period prior to applying from the following sources: <ul style="list-style-type: none"> ◦ Employment and/or self-employment income ◦ Maternity and/or parental benefits from Employment Insurance or similar Quebec Parental Insurance Plan (QPIP) benefits
Other Restrictions	<ul style="list-style-type: none"> • Claims can only be made for up to 60 days following the end of the 2-week period to which the benefit relates • The following benefits must not have been paid or payable to the claimant during the period in which benefits are claimed: <ul style="list-style-type: none"> ◦ Canada Recovery Sickness Benefit; ◦ Canada Recovery Caregiving Benefit; ◦ Employment Insurance; or ◦ Provincial pregnancy, maternity, or adoption allowances and benefits. 	<ul style="list-style-type: none"> • Claims can only be made for up to 60 days following the end of the 1-week period to which the benefit relates • The following benefits must not have been paid or payable to the claimant during the period in which benefits are claimed: <ul style="list-style-type: none"> ◦ Canada Recovery Benefit; ◦ Canada Recovery Caregiving Benefit; ◦ Paid leave or paid sickness benefits; or ◦ Employment Insurance; or ◦ Provincial pregnancy, maternity, or adoption allowances and benefits. 	<ul style="list-style-type: none"> • Claims can only be made for up to 60 days following the end of the 1-week to which the benefit relates • The following benefits must not have been paid or payable to the claimant during the period in which benefits are claimed: <ul style="list-style-type: none"> ◦ Canada Recovery Benefit; ◦ Canada Recovery Sickness Benefit; ◦ Paid leave; ◦ Payments for the care or support of another person; ◦ Employment Insurance; or ◦ Provincial pregnancy, maternity, or adoption allowances and benefits.

Canada Labour Code Amendments

Bill C-4 also makes amendments to the temporary, unpaid job-protected Leave Related to COVID-19 (“COVID-19 leave”) under the *Canada Labour Code* (“Code”) in order to align the Code leave with the three new Canada recovery benefits.

For employees working in federally-regulated workplaces, the amended leave will be available from October 1, 2020 to September 25, 2021, after which time it will be repealed and replaced with up to 16 weeks of Quarantine Leave. Quarantine Leave under the Code was originally intended to come into force on October 1, 2020, but the passage of Bill C-4 will delay the operation of this provision until September 26, 2021.

COVID-19 Leave under the Code

Employees who are unable to work will be entitled to COVID-19 leave under the Code, as follows:

For up to two weeks, where the employee:

- has contracted, or might have contracted, COVID-19;
- has underlying conditions, is undergoing treatments or has contracted other sickness that, in the opinion of a medical practitioner, nurse practitioner, person in authority, government or public health authority, would make them more susceptible to COVID-19; or
- has been advised to self-isolate by their employer, a medical practitioner, nurse practitioner, person in authority, government or public health authority for reasons related to COVID-19.

For up to twenty-six weeks in the aggregate per household, where the employee must care for either:



i. A child under the age of 12 on the first day of the period of leave due to one of the following reasons:

- The child's school or other facility is closed, open only at certain times or open only for certain children.
- The child cannot attend school because they:
 - Have contracted or might have contracted COVID-19
 - Are in isolation on the advice of a medical practitioner, nurse practitioner, person in authority, government or public health authority for reasons related to COVID-19, or
 - Are at risk of having serious health complications if they contracted COVID-19, in the opinion medical practitioner or nurse practitioner.
- The person who usually cares for the child is not available for reasons related to COVID-19.

ii. A family member requiring supervised care because their day program or facility is unavailable or closed or the family member is unable to attend the day program or facility for reasons similar to those noted in i, above.

A family member is broadly defined to include anyone whom the person considers to be like a close relative or who considers the person to be like a close relative.

Employees who reside in the same household are deemed to share the 26-week limit; furthermore, only one employee in each household is permitted to take leave for the care of a child or other family member at any given time. Leave may be taken in one or more periods, and an employer may require that each period of leave not be less than one day.

Any COVID-19 leave already taken by an employee under the current Code provision will not be counted in determining the maximum amount of leave available once the amended provision comes into effect.

General requirements applicable to other Code leaves will also apply to COVID-19 Leave, such as:

- An employee is entitled, on written request, to be informed of employment, promotion or training opportunities that arise during the period when the employee is on leave and for which the employee is qualified;
- Prohibition of reprisal for taking leave:
 - An employer cannot dismiss, suspend, lay off, demote or discipline an employee because the employee intends to take or has taken COVID-19 leave. An employer cannot take such leave into account in any decision to promote or train the employee;
 - An employer may assign an employee to a different position, with different terms and conditions of employment, if the employee after the leave is unable to perform the work



- performed by the employee prior to the absence;
- Continuity of benefits – pension, health and disability benefits, and seniority continue during the period of the leave:
 - Where contributions are required from an employee, the employee is responsible for those contributions during the leave unless the employee notifies the employer that they wish to discontinue contributions;
 - An employer who pays benefit contributions must continue to do so during the leave;
- The ability to interrupt or postpone vacation or to interrupt certain leaves; and
- Deemed continuous employment during the period of leave for the purposes of calculating benefits.

In Our View

The temporary recovery benefits are available for eligible workers who do not qualify for Employment Insurance. We had discussed the changes to streamline the Employment Insurance program in our previous [Focus Alert](#). The temporary recovery benefits will be applied for through and administered by the Canada Revenue Agency (CRA).

The application process for the CRB is not yet open, and the CRA has indicated that details will be made available on October 12, 2020. The application process for both the CRSB and CRCB opens on October 5, 2020. More information on the new recovery benefits and the application process can be found on [CRA's website](#).

For more information on your rights and obligations as an employer dealing with COVID-19 or related matters, please contact [Colleen Dunlop](#) at [613-940-2734](#), [Steven Williams](#) at [613-940-2737](#) or [Kecia Podetz](#) at [613-940-2752](#).