



Government Extends COVID-19 Leave Available Under the Canada Labour Code by up to 8 Weeks

July 24, 2020

In a previous [Focus Alert](#), we discussed the creation and implementation of the temporary new “Leave Related to COVID-19” (or “COVID-19 Leave”) for federally regulated employees subject to the application of the *Canada Labour Code*. Initially, COVID-19 Leave was subject to a maximum duration of 16 weeks during which an eligible employee could benefit from an unpaid, job-protected leave of absence in the event that they were not able or not available to work for reasons related to COVID-19. The reasoning behind the maximum duration of the COVID-19 Leave was that it would align with the maximum duration of the Canada Emergency Response Benefit (or “CERB”), which provides income support payments to those who are on COVID-19 Leave. The legislation did, however, leave open the possibility of extending COVID-19 Leave by way of regulation.

As schools, summer camps and many other facilities remain closed, and with the increased risk of serious infection for certain vulnerable population groups, it has become apparent that some employees will require additional time away from work than what was initially provided for. As a result, on July 22, 2020, the Federal government published regulations amending the *Canada Labour Standards Regulations* in the Canada Gazette. Specifically, these regulations extend the maximum duration of COVID-19 Leave from 16 to 24 weeks, effective July 10, 2020.

The extension of COVID-19 Leave complements the recent extension of the CERB so that both measures can remain aligned. In particular, concerns were raised that if COVID-19 Leave were to expire after 16 weeks but employees continued to be eligible for the CERB for up to 24 weeks, some employees might mistakenly believe that their continued eligibility for income support payments would also entitle them to additional job-protected leave. However, now that both measures are aligned once again, these concerns have effectively been addressed.

In Our View

Because the extension of COVID-19 Leave happened so recently, employers may have questions regarding the implementation of the extension. The Labour Program will be preparing interpretation and guidance materials specifically to address these changes so that employers will have sufficient time to implement any necessary changes to their workplace policies and procedures. Although not yet available online at the time of publication of this article, employers may wish to check the Labour Program’s [website](#) regularly for additional information. The COVID-19 Leave is of limited duration and



**EMOND
HARNDEN**
LABOUR & EMPLOYMENT LAW
DROIT DU TRAVAIL ET DE L'EMPLOI

will be repealed on October 1, 2020.

For more information on your rights and obligations as an employer when dealing with COVID-19, please contact [Steven Williams](#) at [613-940-2737](#), [Colleen Dunlop](#) at [613-940-2734](#), [Kecia Podetz](#) at [613-940-2752](#), or [Carolyn Dunlop](#) at [613-940-2760](#).