

# Can an employer **TERMINATE** a worker because of COVID-19?

# COVID-19

## PROVINCIAL JURISDICTION:

Under the **Ontario Human Rights Code**, an employer may not discipline or terminate an employee who has been diagnosed with COVID-19 or is perceived to have COVID-19.

An employer may **not** discipline or terminate an employee if they are unable to come to work because:

- » **medical or health officials have quarantined them or**
- » **have advised them to self-isolate and stay home in connection with COVID-19**

In these circumstances, employer absenteeism policies must not negatively affect employees.

On March 19, 2020, Ontario passed Bill 186, **Employment Standards Amendment Act (Infectious Disease Emergencies), 2020**, which allows for job-protected leave without pay to employees under medical investigation, supervision or treatment, or in isolation or quarantine, or who need to be away from work to care for children because of school or day care closures, or to care for other relatives, or are affected by travel restrictions, due to COVID-19. The new measures are retroactive to January 25, 2020.

COVID-19 and **Ontario's Human Rights Code** – Q&A:  
[www.ohrc.on.ca/en/news\\_centre/covid-19-and-ontario%E2%80%99s-human-rights-code-%E2%80%93-questions-and-answers-0](http://www.ohrc.on.ca/en/news_centre/covid-19-and-ontario%E2%80%99s-human-rights-code-%E2%80%93-questions-and-answers-0)

Employees also have other rights under the **Employment Standards Act** regarding termination:  
[www.ontario.ca/document/your-guide-employment-standards-act-0](http://www.ontario.ca/document/your-guide-employment-standards-act-0)

## FEDERAL JURISDICTION:

The **Canada Labour Code**, covers employees working in federally regulated workplaces and most federal crown corporations.

Summary of part III of the **Canada Labour Code**:  
[www.canada.ca/en/employment-social-development/services/labour-standards/reports/code-summary-3.html](http://www.canada.ca/en/employment-social-development/services/labour-standards/reports/code-summary-3.html)

Canadian Human Rights Commission  
Statement – COVID-19:  
[www.chrc-ccdp.gc.ca/eng/content/statement-covid-19](http://www.chrc-ccdp.gc.ca/eng/content/statement-covid-19)

On March 25, 2020, the federal government passed Bill C-13, **COVID-19 Emergency Response Act** which contains measures designed to deal with the COVID-19 pandemic. An amendment to the **Canada Labour Code** provides an unpaid leave of up to 16 weeks for employees who are unable or unavailable to work for reasons related to COVID-19. The COVID-19 Leave will be repealed on October 1, 2020. At that time, a new provision will come into force as part of the existing Medical Leave (s. 239) entitling employees to a medical leave of absence from employment of up to 16 weeks.



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