

This brief weekly update is aimed at keeping employees and employers informed of COVID-19 related changes in the world of employment. To find more answers to common employment questions, you can:

- Visit the [Levitt LLP website COVID-19 page](#).
- Read [Howard Levitt's columns in the National Post](#).
- Listen to Howard Levitt and the other lawyers from Levitt LLP on [Newstalk 1010](#).
- For a summary of key employment issues, such as whether your employer has a right to place you on a temporary lay-off and your right to a safe workplace, [contact us](#) to request the COVID-19 Bulletins previously circulated by Levitt LLP.

IMPORTANT

Every one's circumstances are different. The information provided in this bulletin and at the above resources is for general information purposes only and is not intended to be legal advice.

If you are interested in obtaining legal advice for your specific problem, you can contact us to book a free consultation on COVID-19 related issues. To set up a consultation, call us now at 416-594-3900 or complete [this form](#).

IN THIS UPDATE

Q & A with Levitt LLP Lawyer Muneeza Sheikh

Canada Emergency Wage Subsidy (CEWS) extended beyond June 2020

Federal government announces plan for a Large Employer Emergency Financing Facility (LEEFF) program to assist Canada's largest employers

Ontario allows some businesses to re-open, but state of emergency extended until June 2, 2020

Ontario expands list of essential workers eligible to receive free emergency childcare

Ontario launches website to assist businesses in overcoming the challenges created by COVID-19

Seniors eligible to receive one-time payment to assist with increased livings costs; other assistance planned

Increased Child Care Benefit (CCB) for those already eligible

Q & A



MUNEEZA SHEIKH

Levitt LLP Lawyer

Muneeza Sheikh practices in the area of labour law and employment law in Toronto, Richmond Hill, the GTA and across Canada.

She provides advice and representation in employment law matters to corporations and executives, including termination, dismissal, hiring, contracts, human rights and employment litigation.

In her labour law practice, Muneeza works with employers in preparing and presenting complex labour matters before administrative tribunals and the court. She has represented clients before the Ontario Labour Relations Board, the Workplace Safety & Insurance Board, the Grievance Settlement Board, and at private arbitrations.

Muneeza also has a significant media presence in Toronto and across Canada, and appears regularly on CBC, Global, City TV, CTV, and CP24 as one of the leading experts in Canada on labour law, employment law, and human rights issues. Muneeza also sits on the panel for the Global Morning show, and CBC with Carole MacNeil.

Within her practice, Muneeza has also conducted a number of workshops on the importance of diversity engagement in the workplace. In 2015, she was a speaker at the Women and Leadership conference, and spoke specifically to diversity and equality in the workplace.

In her personal time, Muneeza acts as a Board member for the Muslim Welfare Centre, a Canadian charity doing work both inside and outside of the Muslim Community. She is also the Director of Communications for the Canadian Muslim Vote, an organization that strives to increase the engagement of Muslim Canadians in the democratic process.

Q: People have a lot of questions about what they can and can't do during this COVID-19 pandemic. What is one of the biggest mistakes you see people making?

A: If you have been laid off or asked to take a reduction in pay or hours, don't attempt to negotiate or push back on your own. Speak to a lawyer who can advise you on whether or not it is worth it to make a claim for con-

structive dismissal in a precarious job market. I often see employees agreeing to changes on their own without seeking legal advice, which makes it difficult for us to undo the damage when we are retained.

Q: What is the biggest point of confusion you see among people coming to you for advice?

A: Employers assume they can lay off just because the ESA says they can. Employees assume that is always wise to argue that they have been constructively dismissed as a result of a lay off or reduction in pay or hours.

Q: What is one tip you would give to employees in the current climate? / What is one tip you would give to employers in the current climate?

A: Tip for Employees: don't rush to respond to any correspondence that your employer provides you - seek advice. Sometimes it is too easy to rush and respond and you end up agreeing to something that may be damaging to your case.

Tip for Employers: Take health and safety precautions seriously, your employees can easily file an anonymous complaint against you, which looks bad for you reputationally and demoralizes your other employees.

Q: Can you give us an example of a creative solution you've recently proposed to an employer or employee?

A: I had an employee that was dealing with a reduction in hours, which was a clear constructive dismissal. The employee however wanted very much to be seen as a "team player" and did not want to assert constructive dismissal in fear of losing his job.

We ended up negotiating with his employer to ensure that his reduction in hours would be 1) temporary (with a defined end date) & 2) would not affect any potential severance pay out in the event that he was terminated. This was not a benefit that was offered to any other employee.

Q: Courts and tribunals are currently closed. How have you continued advocating for your clients?

A: I am trying to convert court related matters where I can use various online platforms. Where it simply is not possible, the key is to keep in touch with opposing counsel to see if there are other steps that can be taken on a file outside of court.

Q: What are you doing to ride out this crisis?

A: Personally, I am focusing on all the extra time I am getting with my kids – something I am not used to as a working mom. I love cooking and have been enjoying putting interesting meals (often with the help of my 11-year-old daughter) on the table for my family. I am also keeping myself sane by running every single day – rain or shine!

Canada Emergency Wage Subsidy (CEWS) extended beyond June 2020

The CEWS is a program intended to assist those employers who are struggling to retain workers during the COVID-19 pandemic.

The federal government initially said that the program would be offered for 12 weeks between March 15 and June 6, 2020.

On Monday, May 11, 2020 the government announced that the program would extend beyond June. An end date has not yet been announced but further details are expected to be revealed this week.

In brief, the program provides a subsidy which will cover 75% of an employee's wages (up to \$847 a week), for employers who have dropped at least 15% in gross revenues in March, and 30% in April and May of this year.

For more information about the program, including information on how to apply, visit [this website](#).

Federal government announces plan for a Large Employer Emergency Financing Facility (LEEFF) to assist Canada's largest employers

The federal government announced a new Large Employer Emergency Financing Facility (LEEFF) support program on May 11, 2020.

Eligible Canadian companies are those with annual revenues of \$300 million or higher.

The program will assist Canada's largest employers by providing bridging financing so they can remain operational. The objective of the program is to preserve Canadian jobs, help these large businesses survive the current economic challenges, and avoid unnecessary bankruptcies.

The government has described the program as providing "bridge loans" and not "bailouts".

The program will not be used to support companies that are otherwise capable of surviving the crisis, or to restructure insolvent companies. Recipients of the support will have to demonstrate how they intend to retain employees and continue investing.

Ontario allows some businesses to re-open, but is expected to extend state of emergency until June 2, 2020

The Ontario government has allowed some businesses in the province to re-open as long as they follow specific conditions.

Over the May 9 weekend, garden centers and hardware stores opened for in-store purchases. On Monday, May 11, retail stores with street entrances were permitted to carry on business through deliveries and curb-side pickup.

In addition, certain residential construction projects have been allowed to continue operations, while following the health measures required by the government.

The Ontario government has prepared a guide to assist businesses as they continue operations or prepare to re-open. It can be found at [this website](#).

Although the Ontario government has permitted select businesses to recommence business, the state of emergency has been extended until June 2, 2020. The state of emergency was originally set to expire on May 12, 2020.

Ontario expands list of essential workers eligible to receive free emergency childcare

Childcare centers in Ontario were ordered to close in March when the province declared a state of emergency. The Ontario government later allowed certain childcare centers to open as part of a program that would provide free emergency childcare for essential workers.

The Ontario government recently announced it would further expand the list of essential workers who were eligible to receive the free emergency childcare during the COVID-19 outbreak.

Those eligible to benefit from the program include those who work in the food supply chain, retirement homes, grocery stores and pharmacies, and certain federal employees, including the military.

A full list of those eligible, as well as further details about the program can be found at [this website](#).

Ontario launches website to assist businesses in overcoming the challenges created by COVID-19

The Ontario government has created a website to help businesses overcome the unique challenges caused by COVID-19.

The website provides industry specific information and will help businesses with such problems as how to adapt to working remotely and how to retool their operations to produce health-related products.

The website also allows users to request a temporary rule or regulation change to allow them to respond to COVID-19 related problems.

The website is called “COVID-19: Tackling the Barriers” and can be found [here](#).

Seniors eligible to receive one-time payment to assist with increased livings costs; other assistance planned

The Canadian federal government has announced a one-time, tax-free payment of up to \$500 for eligible seniors to help them cope with the increased cost of living due to COVID-19, such as grocery delivery fees and taxi fees.

The program will cost \$2.5 billion and it is estimated that it will assist around 6.7 million Canadian seniors.

Seniors who qualify for Old Age Security (OAS) are eligible to receive a payment of \$300; those qualify for the Guaranteed Income Supplement (GIS) are eligible for an extra \$200.

The federal government said that it was also exploring further assistance for seniors, including finding long-term solutions in response to the breakouts of COVID-19 in many Canadian long-term care homes.

Increased Child Care Benefit (CCB) for those already eligible

The Child Care Benefit (CCB) is a tax-free monthly payment made to eligible families to help with the cost of raising children under 18 years of age.

The federal government has announced that those eligible and who have already applied for the benefit will receive a onetime additional payment of \$300 per child for the month of May. This applies regardless of whether the recipient has lost their job.

To find out more about the CCB including about eligibility and how to apply, you can visit [this website](#).

DISCLAIMER

Remember, this bulletin provides only general information and is not a substitute for legal advice. If you have a legal problem, you should seek out legal advice before making any decisions. The fact that you have received this bulletin from Levitt LLP or have communicated with members of Levitt LLP does not create a lawyer-client relationship.

If you want legal advice, you can set up a consultation with Levitt LLP by calling us at 416-594-3900 or by completing [this form](#).