

# Alberta Implements 14 Day Unpaid Covid-19 Leave



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## **The Province of Alberta introduced a 14 consecutive day, unpaid, job protected leave for employees under quarantine (“COVID-19 Leave”).**

After first announcing the leave on March 13, the government passed the *Employment Standards (COVID-19 Leave) Regulation* (the “**Regulation**”) by an Order in Council filed on March 17, 2020.

The definition of “quarantine” includes employees under self-isolation or self-quarantine, or caring for a child or dependent adult who is under self-quarantine, as a result of COVID-19 and as recommended or directed by the Chief Medical Officer. Based on this wording, it is unlikely to include circumstances where an employee voluntarily chooses to self-isolate where there has not been a recommendation by the Chief Medical Officer to do so.

Employees are eligible for COVID-19 Leave regardless of their length of service, meaning there is no requirement to be employed for 90 days in order to be eligible. There is also no requirement that the employee provide a medical certificate to their employer in order to be eligible for the leave. The Regulation clearly states that an employee under quarantine is not required to give any notice of their return to work date to the employer.

The Minister is able to extend COVID-19 Leave beyond 14 days where the Chief Medical Officer determines that an extension is necessary to suppress COVID-19 in those infected, to protect those who have not been exposed, or to break the chain of transmission and prevent spread of COVID-19.

While on leave, employees can apply for Employment Insurance (“**EI**”) sickness benefits, which provide up to 15 weeks of income replacement. The Government of Canada recently announced that the one-week waiting period for EI sickness benefits will be waived for new claimants who are quarantined.

On March 18, 2020, the Province of Alberta also announced their intention to

implement an emergency payment program which provides one payment installment of \$573 for employees who are off work on quarantine and not receiving EI benefits. This payment installment is intended to bridge the gap until the proposed federal emergency payment program begins in April. The emergency payment program is expected to be available next week via the Province of Alberta website.

COVID-19 Leave does not affect an employee's entitlement to Long-Term Illness and Injury Leave as outlined in section 53.97 of the *Employment Standards Code*. Under this leave, employees are entitled to up to 16 weeks of unpaid, job protected leave per calendar year due to illness, injury or quarantine. In order to be eligible for Long-Term Illness and Injury Leave, employees must provide a medical certificate to the employer stating the estimated duration of the leave. Written notice from the employee which includes an estimated date of the employee's return to work is also required.

## **Update:**

On Wednesday March 25, 2020, the Alberta Government launched an online portal for the province's emergency isolation support payment, a one-time payment of \$1,146.00 for Albertans who:

- experienced total or significant loss of income as a result of having to self-isolate, or are the sole caregiver of a dependent who is self-isolating; and
- have no other source of compensation (ex. workplace sick leave benefits for federal employment insurance benefits).

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*