

Temporary Layoff Rules Across Canada – Know The Laws Of Your Province



Temporary business slowdowns and short-term financial challenges may force you to let go of employees you really want to keep. Layoffs are also expensive because you have to shell out termination notice and other payments. But you may be able to get a breather and a temporary window to secure that big client or loan by taking advantage of the temporary layoff provisions of your jurisdiction's employment standards law. With temporary layoffs, employment continues and termination notice isn't required unless and until the layoff becomes permanent. Here's a summary of the key temporary layoff rules in each part of Canada.

Around The Provinces: Temporary Layoffs

FEDERAL

How Long Layoff Can Last	<ul style="list-style-type: none">*3 months or less*12 months or less if mandatory under collective agreement*For employees laid off before March 31, 2020: 6 months or Dec. 30, 2020, whichever comes first, retroactive to June 22, 2020*For employees laid off between March 31- Sept. 30, 2020: Dec. 30, 2020, unless written notice at time of layoff listed later recall date, retroactive to June 22, 2020
Potential Extensions of Layoff Duration	<ul style="list-style-type: none">*Longer than 3 months if employer notifies employee of layoff in writing and sets specific recall date no longer than 6 months and employee actually recalled*Longer than 3 months if employer makes agreed payments or pension contributions*Longer than 3 months if less than 12 months + employee keeps collective agreement recall rights
Deemed Termination Date If Layoff Becomes Permanent	
Notification Required	<p>If layoff exceeds 3 months, employer must notify employee in writing that he'll be recalled on a set date or within a set period of time that's no more than 6 months after layoff date</p>

ALBERTA

How Long Layoff Can Last	*Normally, 60 days within 120-day period
	*Bill 32 would extend to 90 days within 120-day period + allow for even longer period if: x. employer pays wages and/or maintains benefits during extension or collective agreement allows for longer period
	*180 days for COVID-19 layoffs, retroactive to June 18, 2020
Potential Extensions of Layoff Duration	<u>Longer than 60 days if:</u>
	*Sides agree to payments from employer during layoff or
	*Employer makes payments to pension or insurance plan or
	*Provided in collective agreement granting recall rights
Deemed Termination Date If Layoff Becomes Permanent	*60th day after layoff; If employee doesn't return within 7 days after request, employment ends and employee doesn't get termination pay—unless collective agreement contains recall rights
	*Presumably applies to 180th day of COVID-19 layoffs
Notification Required	*Unless collective agreement says otherwise, layoff notice required: (a) at least 1 week before date layoff begins, if employee employed for <2 years; (b) at least 2 weeks before date layoff begins, if employed 2 years or more; or (c) as soon as practicable if unforeseeable circumstances prevent notice by above times
	Presumably applies to COVID-19 layoffs

BRITISH COLUMBIA

How Long Layoff Can Last	*Up to 13 weeks in 20 consecutive week period
	*24 weeks for COVID layoffs (temporary extension expires Aug. 30, 2020)
	*"Week of layoff" means any week employee earns less than 50% of regular wages (averaged over 8-week period)
Potential Extensions of Layoff Duration	Sides can ask Employment Standards Director for longer period
Deemed Termination Date If Layoff Becomes Permanent	Termination effective as of first day of layoff
Notification Required	Notification not required if layoff ends by maximum period and doesn't become permanent

MANITOBA

How Long Layoff Can Last	*8 weeks in a 16-week period.
	*Temporary COVID-19 layoffs can last indefinitely until emergency ends
Potential Extensions of Layoff Duration	<u>Longer layoff period allowed if:</u>
	* Employment Standards Director approves; or
	*In business "employees are subjected to regular and recurring lay-offs" and employee was told about this upon hiring; or
	*Employer continues wage payments or pays employee's pension benefits during layoff
	*Collective agreement provides for longer period

Deemed Termination Date If Layoff Becomes Permanent	Termination effective as of first day of layoff
Notification Required	Notification not required if layoff ends by maximum period and doesn't become permanent
NEW BRUNSWICK	
How Long Layoff Can Last	*Up to 6 days *No limit on layoff due to interruption of work because of lack of work due to unforeseen reason
Potential Extensions of Layoff Duration	
Deemed Termination Date If Layoff Becomes Permanent	
Notification Required	*Notice required for termination or layoff, unless layoff is only up to 6 days or due to lack of work unforeseen by employer *Notice not required if collective agreement applies
NEWFOUNDLAND & LABRADOR	
How Long Layoff Can Last	*More than 13 weeks in 20 consecutive week period *26 weeks in 33 consecutive week period for COVID layoffs, retroactive to March 18 + expiring Sept. 18, 2020
Potential Extensions of Layoff Duration	
Deemed Termination Date If Layoff Becomes Permanent	Termination effective as of beginning of temporary layoff
Notification Required	Written notification required for any termination unless terminated for no more than one week or under collective agreement
NORTHWEST TERRITORIES/ NUNAVUT	
How Long Layoff Can Last	No longer than 45 days in a 60 consecutive day period
Potential Extensions of Layoff Duration	Employment/Labour Standards Officer can grant an extension for special circumstances as long as employee will be recalled
Deemed Termination Date If Layoff Becomes Permanent	Termination date is last day of layoff
Notification Required	*Written notice specifying date of expected recall required *Layoff is permanent termination if notice not given *Notice not required if employee doesn't return within 7 days after being recalled to work in writing
NOVA SCOTIA	
How Long Layoff Can Last	Up to 6 days without notification
Potential Extensions of Layoff Duration	
Deemed Termination Date If Layoff Becomes Permanent	Termination date is date of layoff

Notification Required	Notification required unless layoff is for no more than 6 days
ONTARIO	
How Long Layoff Can Last	<ul style="list-style-type: none"> *Up to 13 weeks in 20 consecutive week period *No time limit on COVID layoffs, effective May 27—employees deemed on indefinite infectious disease emergency leave after 13 weeks *Includes time employee gets less than 50% of regular wages
Potential Extensions of Layoff Duration	<p><u>Layoff can last up to 35 weeks in 52 consecutive week period if:</u></p> <ul style="list-style-type: none"> *Employer continues making substantial payments to employee *Employer makes payments under pension, retirement or insurance plan *Employee gets supplementary unemployment benefits *Employee recalled in time set by director or agreement with employee <p><u>Temp layoff can go longer than 35 weeks if employee recalled as required in collective agreement</u></p>
Deemed Termination Date If Layoff Becomes Permanent	Deemed termination date is first day of layoff
Notification Required	No notice for temporary layoff; if employment contract grants seniority rights allowing laid off employee to displace another, notice of the layoff posted conspicuously is sufficient termination notice to the displaced employee
PRINCE EDWARD ISLAND	
How Long Layoff Can Last	No mention of temporary layoff specifically but references layoff and discharge together
Potential Extensions of Layoff Duration	
Deemed Termination Date If Layoff Becomes Permanent	Start of layoff
Notification Required	Notice required for any layoff or termination
QUÉBEC	
How Long Layoff Can Last	Up to 6 months
Potential Extensions of Layoff Duration	Up to 12 months if employee entitled to recall under collective agreement
Deemed Termination Date If Layoff Becomes Permanent	
Notification Required	No notification required unless layoff lasts longer than maximum 6 months and becomes permanent
SASKATCHEWAN	
How Long Layoff Can Last	<ul style="list-style-type: none"> *Up to 14 consecutive days *Indefinitely during a “public emergency period,” ending 2 weeks after “public emergency ends”
Potential Extensions of Layoff Duration	

Deemed Termination Date

If Layoff Becomes Permanent Start of layoff

Notification Required Notice due for termination or any layoff **except temporary layoff due to public health emergency**
YUKON TERRITORY

How Long Layoff Can Last Up to 13 weeks in 20 consecutive week period

Potential Extensions of Layoff Duration Employer can apply to Employment Standards Director to extend layoff past 13 weeks as long as employer recalls employee by date set by Director

Deemed Termination Date

If Layoff Becomes Permanent Start of layoff

Notification Required Notification not required as long as layoff ends by required 13-week maximum or longer deadline approved by Director