

This message was recently received from the General Council Office and concerns laid-off employees

When COVID-19 closed church buildings, some communities of faith faced the difficult decision to lay off employees. In the province of Ontario, the government instituted the Infectious Disease Emergency Leave (IDEL) This leave protects an employee's job while they are on unpaid leave that lasts until up to 6 weeks after the state of emergency is declared to be over. After this period, the employee must be offered their job back (but it does not eliminate an employer's right to terminate employment, which would entail necessary notice, termination pay – please consult an employment lawyer).

The government declared the state of emergency in Ontario to be over as of July 24, 2020. Please note that since the state of emergency has ended, employees must be recalled by **September 4, 2020**.

We would ask that governing bodies (i.e. Official Board, Church Council) of communities of faith take necessary steps to recall their employees before September 4, 2020. If you have not yet pursued financial support, including UCC emergency loans and government programs, information is available [here](#). Below is the message from the General Council Office:

Greetings friends,

I trust you are having a wonderful summer, even as you stay safe. A question was asked regarding the end date for the state of emergency for Ontario, and when employees who were laid off need to be recalled.

Our labour law consultant offered the following:

“The state of emergency in Ontario ended July 24, 2020. Employees who were initially laid off, but have been on a retroactive “deemed IDEL” will remain on this leave until six weeks after the state of emergency was lifted. This is defined as the COVID-19 period and it continues until September 4.

If employees are unable to return to work at the end of the COVID-19 period on September 4, the usual rules under the ESA will be re-engaged and employees can be placed on a temporary layoff. If your contracts do not have the right to temporarily lay employees off, there is a risk of constructive dismissal at common law. From a practical perspective, the risk may not be great because the employee would have to resign and bring an action in constructive dismissal in order to seek damages at common law.”

Where Pastoral charges were compelled to lay off staff during this time, will need to evaluate what action they will take with respect to their employees.

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