
Reasons an employee may take infectious disease emergency leave

Employees can take infectious disease emergency leave if they will not be performing the duties of their position because of any of the following reasons:

1. The employee is under individual medical investigation, supervision or treatment related to a designated infectious disease. The medical investigation, supervision or treatment can be in Ontario or in another province, territory or country
2. The employee is following a COVID-19 related order issued under section 22 or 35 of the [Health Promotion and Protection Act](#).
3. The employee is in quarantine, isolation (voluntary or involuntary), or is subject to a control measure, and the quarantine, isolation or control measure was implemented as a result of information or directions related to a designated infectious disease that was issued by:
 - a. a public health official. This means a public health official of the Government of Canada or any of the following people within the meaning of the *Ontario Health Protection and Promotion Act*:
 - the Chief Medical Officer of Health or Associate Chief Medical Officer of Health
 - a medical officer of health or an associate medical officer of health
 - an employee of a board of health
 - b. someone who is qualified to practice as a physician or a nurse either in Ontario or in the jurisdiction where the employee is located (for example, another province, territory or another country) **and** who has provided care or treatment to the employee, whether or not the care or treatment was related to the designated infectious disease (such as an employee who has an immune deficiency was told by his physician to self-isolate and not go to work during the infectious disease outbreak)
 - c. Telehealth Ontario
 - d. the Government of Ontario or Canada
 - e. a municipal council in Ontario
 - f. a board of health

The information or direction may be issued:

- to the public (in whole or in part)
- to one or more people, and
- through any means, including print, electronic or broadcast (for example, television or radio)

2. The employee is under a direction given by his or her employer in response to the employer's concern that the employee might expose other individuals in the workplace to a designated infectious disease.

For example, this would include the employer directing the employee to stay at home for a period of time if the employee has recently travelled internationally and the employer is concerned the employee may expose others in the workplace to a designated infectious disease.

3. The employee is providing care or support to any of these individuals because of a matter related to a designated infectious disease:

- the employee's spouse (of the same or opposite sex, whether or not married)
- a parent, step-parent or foster parent of the employee or the employee's spouse
- a child, step-child or foster child of the employee or the employee's spouse
- a child who is under legal guardianship of the employee or the employee's spouse
- a brother, step-brother, sister or step-sister of the employee
- a grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse
- a brother-in-law, step-brother-in-law, sister-in-law or step-sister-in-law of the employee
- a son-in-law or daughter-in-law of the employee or the employee's spouse
- an uncle or aunt of the employee or the employee's spouse
- a nephew or niece of the employee or the employee's spouse
- the spouse of the employee's grandchild, uncle, aunt, nephew or niece
- a person who considers the employee to be like a family member, provided the prescribed conditions, if any, are met (currently there are no prescribed conditions)
- any individual prescribed as a family member for the purposes of this section (currently, there are no additional prescribed family members)

This includes an employee taking leave to care for their child whose school or day care was closed because of a designated infectious disease (in this case, COVID-19). Examples include:

- an employee who is providing care to an aunt who is sick with COVID-19
- a babysitter who is in quarantine or isolation because of a designated infectious disease, or is sick because of it
- a summer camp that the employee's child was scheduled to attend closed down to help prevent the spread of a designated infectious disease
- an employee's 10-year-old brother, who was visiting the employee from another city without his parents, was unable to return home because of travel restrictions imposed to prevent the spread of a designated infectious disease

The employee can be providing the care or support in Ontario or in another province, territory or country.

4. The employee is directly affected by travel restrictions related to a designated infectious disease and, under the circumstances, cannot be reasonably expected to travel back to Ontario.

For example, this would include an employee who is on a cruise ship that is not permitted to dock in any country because of the concern that passengers are infected by a designated infectious disease.

There may be some situations where an employee is affected by travel restrictions (for example where there are no international commercial airline flights available) but the employee has other options available to travel back to Ontario. This condition will be met if it would not be reasonable to expect the employee to use alternative options.

What is reasonable will depend on the circumstances. For example, an employee was vacationing in Mexico City when Canada banned all flights from Mexico for two weeks. The employee could rent a car or take a series of buses and trains to return to Ontario but that would not be a reasonable expectation in the circumstances.

This provision applies only where the employee is **directly** affected by the travel restrictions. In other words, it applies only where the **employees** travel back to Ontario is affected.

This provision applies only when the employee is caught by travel restrictions while **outside** of Ontario.

Rights during leave

Employees who take infectious disease emergency leave are generally entitled to the same rights as employees who take pregnancy or parental leave. For example, employers cannot threaten, fire or penalize in any way an employee who takes or plans on taking an infectious disease emergency leave.

<https://www.ontario.ca/document/your-guide-employment-standards-act-0/infectious-disease-emergency-leave#section-8>