



## COVID-19 emergency leave and temporary changes to employment law: What workers need to know!

COVID-19 forced many employers across Ontario to temporarily close and/or cut workers' hours and pay. The Ontario Government introduced [Infectious Disease Emergency Leave \("IDEL"\)](#) on May 29, 2020 to protect both employers and employees.

**If you are a non-unionized worker and your wages or hours are temporarily stopped or cut due to COVID-19** between March 1, 2020 and January 1, 2022, you are not "laid-off" under the *Employment Standards Act (ESA)*. You are on an unpaid leave and your job is protected under IDEL. This means you should get your job back at a later date.

You can't make a claim for constructive dismissal with the Ministry of Labour when on an IDEL leave. Constructive dismissal can happen when you aren't fired but there are big changes to your usual job, like

less pay and reduced hours. It's not clear yet if you can sue for constructive dismissal in civil court.



**If you can't work due to COVID-19**, you can take **unpaid** job-protected IDEL leave. You can take IDEL leave if:

- You are waiting for COVID-19 test results, are in quarantine, or self-isolation;
- You are getting a COVID-19 vaccine or have side-effects from the vaccine;
- You are looking after a family member sick with COVID-19.

The "Worker Income Protection Benefit" is also available from April 19,

2021 until December 31, 2021. You can get 3 days paid IDEL leave if you can't work for COVID-19 related reasons. The 3 days do not have to be taken at the same time.

Employers can't threaten, fire, or punish you for taking an IDEL leave and you can file a complaint with the Ministry of Labour if this happens.

You should tell your employer before you take paid or unpaid IDEL leave. You may have to show proof you qualify for IDEL leave, like an email for a vaccine appointment or a copy of an order to isolate. Employers cannot ask you to produce a certificate from a doctor or nurse for IDEL leave.

Contact the legal clinic if you have questions about your employment rights.

*Karen McClellan, Lawyer*



## Keeping Seniors Safe—CALC's Annual Fall Forum

Please join us on **December 2** from 10am – 12pm for our annual fall forum! Our focus this year is on seniors and scams, frauds, and misuse of Powers of Attorney. We know that seniors are at increased risk of financial harm. The risks can be especially high for seniors living in rural areas, on low incomes, who are racialized, Indigenous, or who have disabilities. Our forum will increase awareness and promote prevention of senior financial abuse.

The results of financial abuse can be devastating. Door-to-door sales companies target seniors and trick

them into signing unfair contracts. Online and telephone scammers also target seniors with scams that increase stress and financial strain. Seniors can experience financial abuse by their own Powers of Attorney—people trusted with making important financial decisions. Our fall forum will have workshops geared toward seniors, service providers, and healthcare providers. Everyone is welcome to attend!

Registration is required. Register at <https://bit.ly/CALC-Forum-and-AGM-2021>.

Until then, here are some tips to keep yourself safe from financial abuse:

- Never give or take money from people you don't know and trust.
- Don't give out personal information over the phone or by email.
- If someone is rushing you to make a decision about money, stop! Tell them you will contact them later.
- Don't log in to online banking with a link sent by email, text message, or social media. Always go to the bank's main website to log in.
- Remember – it's okay to hang up the phone, delete emails, and say "no"!

## Help stop sexual harassment in the workplace

Workplace sexual harassment includes any unwanted behaviour or comment that is sexual in nature and impacts you negatively. It is illegal in the province of Ontario in all workplaces.

Since sexual harassment is about power and control, it is often directed towards workers in vulnerable positions and marginalized workers. Workplace sexual harassment disproportionately impacts women, racialized workers, LGBTQ2+ workers, and new workers.

Workplace sexual harassment can be a traumatic experience for the worker, their co-workers, and the entire workplace. It can prevent a person from earning a living, doing their job effectively, or reaching their full potential at work.

If you have been sexually harassed at work you may feel powerless, uncomfortable, unsafe, and confused. **Call us - we can help!**

Thanks to funding from the federal government Department of Justice we are providing free and confidential information and advice to all workers on their rights and remedies. We can help you determine the best remedy for your specific situation.

harassment. This includes work that is full-time, part-time, a co-op student placement, volunteer, and workplaces that are unionized or non-unionized.

We know that many workers and employers are not really sure what sexual harassment is or what to do about it. And we know reliable legal information can help prevent and eliminate sexual harassment at work.

CALC offers **free legal information** workshops to help employees and employers understand their rights and responsibilities. We can customize a workshop

for your organization.

To arrange a workshop, fill out our [Request a Speaker form](#) or email us at [calc@lao.on.ca](mailto:calc@lao.on.ca) or call us at 1-877-966-8686.

*Deirdre McDade, Lawyer*

### DID YOU KNOW?

Everyone in the workplace has a role to play in making workplaces **safe and free from harassment** of any kind, including sexual harassment

#EndSHIW #HealthyWorkplaces #WeCanHelp

WE OFFER **FREE** LEGAL ADVICE  
IF YOU HAVE BEEN SEXUALLY HARASSED AT WORK

Call us at 1-877-966-8686



Community Advocacy & Legal Centre  
www.communitylegalcentre.ca



Canada  
Department of Justice  
Ministère de la Justice  
Canada



We believe that all workers have the right to a workplace where they feel both emotionally and physically safe. It does not matter if you work in an environment where harassment is normalized, such as bars or restaurants. It does not matter if the harassment comes from a manager, a co-worker, or customer. Everyone has the right to a workplace free from

## More changes at the Landlord & Tenant Board

Recently, the government approved changes to the *Residential Tenancies Act*, allowing landlords to file damage and arrears claims at the Landlord & Tenant Board (LTB) against tenants after they have moved out of their rental unit.

Before this change, if a tenant had already moved out, landlords had to sue tenants in small claims court. A landlord can file a claim against any tenant who moved out after September 1, 2021.

Tenants who have rent arrears when they move out or are concerned a landlord may claim they damaged the apartment should keep an eye out for an LTB hearing notice. The landlord has to serve the notice of hearing on the tenant at their current address or by email.

When moving out, it is always a good idea to get rid of any garbage and take

pictures showing the condition of the unit before you leave.

It is also important to return the keys to the landlord and make sure the landlord knows the date that you left.

Tell the landlord about any problems in the unit when they happen and always follow this up in writing, making sure you keep a copy for your records.

*Samantha Hayward, Lawyer*

## Final countdown...CICB Ending

In 2019, the provincial government announced that it would be dismantling the Criminal Injuries Compensation (CICB) system, which has compensated victims of violent crime for over 50 years.

Despite vocal opposition from CALC and advocates for victims of crime, the government confirmed that the CICB system will be **completely dissolved** on December 31, 2021.

According to a press release from Tribunals Ontario, all CICB applications received by September 30, 2019 will be resolved before December 31, 2021. CICB will pay all

ongoing CICB payments up until December 31, 2021, including monthly awards for child support and/or treatment and counselling costs.

Beginning January 1, 2022, the Victims and Vulnerable Persons Division (VVPD) of the Ministry of the Attorney General will process these payments. If you have questions about your ongoing CICB payments please contact VVPD at 1-833-704-2610.

If you have questions about CICB funds held in trust for minors by the Accountant of the Superior Court of Justice, please contact the Minors' Funds program by telephone

at 416-314-8003 or by email [MinorsFunds@ontario.ca](mailto:MinorsFunds@ontario.ca).

The full press release can be found at: <https://tribunalsontario.ca/cicb-september-24-2021-final-step-of-dissolution-of-cicb-set-for-december-31-2021/>

You can still contact CALC if you have problems with a current CICB application that has not gone to hearing, ongoing monthly payments, or an outstanding award for treatment expenses.

*Sharon Powell, Licensed Paralegal*



## Seniors Against Financial Exploitation (SAFE) - New Resources!

Our goal is to increase awareness and prevention of elder financial abuse through our SAFE project. CALC has developed new resources to help keep seniors safe thanks to a federal government grant from Employment and Social Development Canada.

Please contact our office if you want resources about financial abuse by a Power of Attorney, scams, or predatory companies. We will share these resources and provide a workshop at our fall forum on December 2 (see front page for details). If you are a senior experiencing financial abuse, contact us for help.

## Time for a "Just Recovery"

The start of fall has brought the end of the federal government's COVID-19 income support programs. The Canada Recovery Benefit (CRB) ended on October 23, 2021.

The ending of CRB will inevitably cause low-income Canadians to "fall through the cracks". If you were getting Ontario Works (OW) or Ontario Disability Support Program (ODSP) benefits and stopped getting these benefits while you were getting CRB, you should be able to return to

these programs when your CRB income ends.

### Canada Recovery Benefit (CRB)



CRB ends on October 23, 2021

If you are eligible, you can only apply for open CRB periods, up to 60 days after each period has ended. The last period for the CRB is **period 28 (October 10 to 23, 2021)** which will be open for application until December 22, 2021.

Find out which [periods are still open for application](#).

If you have any problems getting back on OW or ODSP benefits, please contact our office. We can discuss your legal options with you, and

connect you with community supports.

The pandemic has highlighted the need for reform of income support programs to ensure a just recovery for low-income people in our community. For more information on a Universal Basic Income approach to these issues, the Woman's Legal Education and Action Fund (LEAF) recently released two reports on the topic. They can be found on the "News & Events" page of their website, [www.leaf.ca](http://www.leaf.ca).

*Samuel Clements, Lawyer*

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Donations appreciated!

**CALC**  
Community Advocacy & Legal Centre

**Your community legal clinic**

**Virtual Annual General Meeting (AGM) and Annual Report**

CALC's Annual General Meeting (AGM) will be held virtually over Zoom on **Thursday, December 2, 2021**, from 12:00-1:00 pm (immediately following our fall forum which is from 10:00 am to 12:00 pm—see front page for details).

To attend this business meeting you must register online at <https://bit.ly/CALC-Forum-and-AGM-2021> or call Lynda at ext 25.

If you need an ASL interpreter, please indicate this when you register or call Lynda **by November 25** (ext. 25), TTY (1-877-966-8714), or email Lynda at [morganl@lao.on.ca](mailto:morganl@lao.on.ca).

Clinic staff are busy preparing our Annual Report of significant work we completed over the past year—certainly another challenging year! Read it on [online](#) on our website in early December or ask us to mail you a copy.

**Join us as a clinic member or run to be a Board member**

If you would like to support the clinic by [joining as a clinic member](#), or by standing for election to our [Board of Directors](#), you can find out more on our website or call Lynda (ext. 25), or email [morganl@lao.on.ca](mailto:morganl@lao.on.ca).

Nomination forms for the Board positions must be submitted by November 15.

 **Our mindful collection of race and gender data**



CALC is now asking clients about their race, pronouns, and gender identity. We are collecting this information to better understand our clients and community, and to ensure we are providing programs and services that reflect the needs of our community.

Collecting this information may also help us to identify and remove systemic barriers to accessing our services, lessen or prevent disadvantage, and promote equality.

We understand that this information is highly personal. We are asking because we believe collecting this information is essential to providing high-quality, client-centered care.

To ensure we collect this data with as much sensitivity as possible, we will always:

- Ask the questions with respect and neutrality.
- Explain why we are collecting this information.
- Let you know that answering these questions is completely voluntary.
- Let you know that the information will be kept confidential.
- Explain that you will receive the same service from us regardless of your answer.
- Explain that you can always change your answer or ask us to remove this information from your file.

Please contact us if you have any questions.

*Monica Dairo, Artiding Student*

**Need Legal Advice?**

You can request help by phone, or email us using our online "Request for Legal Advice" form. Visit our website or go to <https://bit.ly/calc-help>.

This newsletter is posted on our website at <https://communitylegalcentre.ca/news/newsletter/>

The information in this newsletter is not legal advice. If you have a legal problem in any of the areas of law mentioned in this newsletter, please contact a [community legal clinic](#) near you.