



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

Income Assistance (CERB/EI) & Workers' Rights Information Session

Hosted by CLEO in partnership with:

Francesca Allodi-Ross,
Rexdale Community Legal Clinic and
John No, Parkdale Community Legal Services

April 16, 2020



Disclaimer

This webinar is for general information purposes only and is not legal advice. It is not intended to be used as legal advice for a specific legal problem. This webinar was recorded on April 16, 2020 and reflects developments in the law before that date.



Our Presenters

From CLEO

- Fiona MacCool, Digital Projects Manager
- Michelle Cader, Community Training and Outreach Manager
- Karen Dick, Legal Education Trainer

Guest Presenters

- Francesca Allodi-Ross, Rexdale Community Legal Clinic, South Etobicoke Community Legal Services, West Toronto Community Legal Services
- John No, Parkdale Community Legal Services



CLEO

- Produces reliable legal information in plain language for those living on low-incomes and those who are marginalized
 - Steps to Justice: answers and next steps in 13 areas of law
 - Live chat on Steps to Justice, offered everyday
 - Justice pas-a-a pas: French sister site
 - Free print brochures that Ontario not-for-profits can order
- Supports community and legal workers with training, tools, and a community of practice



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COVID:19 Updates on the law and legal services



COVID-19: Updates on the law and legal services

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Thursday: 11-1; 7-9pm



COVID-19 Employment and Work

Canada Emergency Response Benefit (CERB)

[How do I get a copy of my Record of Employment \(ROE\)?](#)

[Who can get the Canada Emergency Response Benefit \(CERB\) and how do I apply?](#)

Employment Insurance (EI) benefits

[I am self-employed. Can I apply for Employment Insurance \(EI\) if I am sick or quarantined?](#)

[Can I get Employment Insurance \(EI\) if my employer reduces my hours of work?](#) Updated

[Can I apply for Employment Insurance \(EI\) if I'm in quarantine?](#)

[Do I have to get a doctor's certificate if I'm ill because of COVID-19?](#)

[Can I get Employment Insurance \(EI\) if I work for an app-based company doing work like driving or food delivery?](#)

Unsafe work

[I live with a family member who is elderly or has a weak or compromised immune](#)

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Outline

1. CERB, EI and other income benefits during COVID-19

- Eligibility criteria for CERB
- Applying for CERB and reporting
- EI or CERB? Other federal benefits
- How does CERB affect ODSP and OW?

2. Workers' rights during COVID-19 (case scenarios)

- Temporary and permanent lay-offs
- Quitting a job during COVID-19
- Cash jobs, reduced hours, and more

3. Questions

Canada Emergency Response Benefit (CERB)

- \$2,000 every 4 weeks up to maximum of 16 weeks
- Taxable benefit but taxes not deducted now
- The benefit is available from March 15 to October 3, 2020.
- You can apply no later than December 2, 2020
- Payments through CRA are every 4 weeks; payments through Service Canada are every 2 or 4 weeks, depending on how often you choose to report

Am I eligible for CERB? (unchanged)

- Need a valid Social Insurance Number (SIN)
- You have not applied for, nor are you receiving, CERB or EI benefits from Service Canada for the same eligibility period.
- You reside in Canada.
- You are 15 years of age or older at the time of application.
- You have not quit your job voluntarily.
- You have earned a minimum of \$5,000 income within the last 12 months or in 2019 from one or more of the following sources:
 - employment income;
 - self-employment income; or
 - provincial or federal benefits related to maternity or parental leave.

Am I eligible for CERB? (changed today)

- AND You have stopped or will stop working for reasons related to COVID-19, and
 - **For your first CERB application:** You have stopped or will stop working for at least 14 consecutive days within the four week benefit period and have or expect to receive no more than \$1,000 in combined employment or self-employment income for these consecutive days.
 - **For your subsequent CERB applications:** You continue to not work and expect to remain in this position for the entire four week period for which you are applying and expect to receive no more than \$1,000 in combined employment or self-employment income.
- OR You have been paid Employment Insurance regular benefits for at least one week of benefits since December 29, 2019 and have used up your entitlement to those benefits.

How do I apply?

- Two ways to apply: Online or by phone
- Visit: <https://www.canada.ca/en/services/benefits/ei/cerb-application.html>
- Will direct you to apply with Service Canada or through Canada Revenue Agency
- Do not apply to both
- You will need to re-apply (using the same process you used to apply) for each period

Eligibility periods

- March 15 to April 11
- April 12 to May 9
- May 10 to June 6
- June 7 to July 4
- July 5 to August 1
- August 2 to August 29
- August 30 to September 26

If I am eligible for EI regular or sickness benefits, should I apply for those or CERB?

- You should apply for EI regular and sickness benefits through Service Canada.
- If you became eligible for EI regular or sickness:
 - Before March 15, 2020: You will receive EI regular or sickness benefits.
 - On or after March 15, 2020: You will receive up to 16 weeks of CERB and then you will receive EI regular or sickness benefits afterwards, if you still have not found work.

If my parental benefits run out, can I apply for CERB?

- It is expected that you will return to work when you are finished collecting maternity/parental or other special benefits under the Employment Insurance Program.
- If work is not available as a result of reasons related to COVID-19 upon conclusion of your maternity/parental leave, you may be eligible to apply for the Canada Emergency Response Benefit, provided you meet the eligibility requirements.

Can I get CERB if I am on OW or ODSP?

- Yes, assuming you qualify for CERB.
- However, you must report any household income to OW/ODSP and this may affect your OW/ODSP benefits.
- Benefits like EI (and likely CERB) are deducted dollar-for-dollar from OW/ODSP payments.
- You may lose health and dental benefits. But you may qualify for Extended Health Benefit.
- It may be a problem to get back onto ODSP after CERB runs out.

I am not eligible for CERB but I need money. What can I do?

- If you are receiving Ontario Works, you may be eligible for the Ontario Emergency Assistance program. You should contact your OW caseworker for details.
- If you are receiving ODSP, you may qualify for a one-time payment of \$100 or \$200. You should contact your ODSP caseworker for details.
- If you are not receiving OW or ODSP, you may be eligible for funds directly from the Ontario Emergency Assistance Program. You can apply online at [Ontario.ca/community](https://ontario.ca/community).

I received two separate payments from CERB for \$2000. Is that a mistake?

- You may have mistakenly applied for CERB twice
- The government will contact you shortly.
- Any other combination of payments means you were paid accurately

What if I apply for CERB but I do not meet the eligibility requirements?

- If you swear that you are eligible in the benefit when you apply, you will receive the money
- If the government later decides that you do not meet the eligibility criteria, you may be required to repay the money
- You may also face penalties

What if I have income while receiving CERB?

- It depends when you apply.
- The application asks about actual income if you are applying retroactively and expected income if you are applying before the period has ended
- If you are found to have lied on your application about expecting income, you could be required to pay back the CERB money and face penalties

Infectious Disease Emergency Leave

- The *Employment Standards Act, 2000* was recently amended to include an unpaid, job-protected infectious disease emergency leave. This leave is available to employees who are not performing the duties of their position for certain reasons related to COVID-19, including:
 - personal illness, quarantine or isolation in specified circumstances
 - concern by the employer that the employee may expose other individuals in the workplace to COVID-19
 - to provide care or support to certain family members for a reason related to COVID-19, including school or day care closures
 - due to certain travel-related restrictions
 - The leave is retroactive to January 25, 2020. Employers cannot require employees to provide medical notes to prove they are eligible for the leave. [Learn more.](#)

Scenario #1

Angela works as a cook for a corporation that owns a chain of restaurants. She has been with the company for 7 years. The restaurant where she works is still open for take-outs, but recently laid-off her due to shortage of work. Her employer did not know when, or if, she would be called back into work. Her employer did tell her that they will pay her 7 weeks' termination pay if the lay-off lasts for more than 13 weeks. What are Angela's options?

Scenario #2

Fatima's employer is still operating and requiring Fatima to work. Fatima lives with an elderly parent who is immunocompromised. Fatima is concerned that she may contract COVID-19 and pass it off to her parent. What should she do?

Scenario #3

George is a 32 years-old person who works at a small grocery store. Although neither his spouse nor he suffers from any particular health issues, he is still very afraid of catching COVID-19. He would rather not work. What should he do?

Scenario #4

Rosalie works as a painter, mainly painting exterior of houses. She obtains the job through Rosebud Painting Company, who calls her any time there is a project available. She receives a flat rate per project, and she receives her pay by cash. She has not filed her taxes for the last three years, and she has not declared her income. Since the COVID19 pandemic, she has received no work. Should she apply for CERB?

Scenario #5

Due to COVID-19, Sergio's employer has reduced his hours and now he only earns about \$1,100.00 a month. Sergio is finding the reduced earnings to be insufficient for him to pay for his household expenses. He wants to know if he can stop working but still qualify for CERB.



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Questions?



More information and support from CLEO

- stepstojustice.ca: practical information in 10 areas of law, with daily live chat; special COVID-19 section
- justicepasapas.ca: French sister site
- cleoconnect.ca: legal information training and tools for community workers
- cleo.on.ca: free print brochures and CLEO overview



For support by phone:

- Community legal clinics
 - Find your local clinic at: legalaid.on.ca/legal-clinics/
- Workers Action Centre
 - workersactioncentre.org
 - 1-855-531-0778
- Ministry of Labour's Employment Standards Information Centre
 - labour.gov.on.ca/english/feedback
 - 1-800-531-5551



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Thank you for joining us!