

Income Support for Workers During COVID-19

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Don Valley
Community Legal Services

Disclaimer: this presentation was prepared for the sole purpose of updating the community on the latest legal developments. It does not constitute legal advice. For legal advice, please consult our clinic by booking an appointment.

D.V.C.L.S. Land Acknowledgement

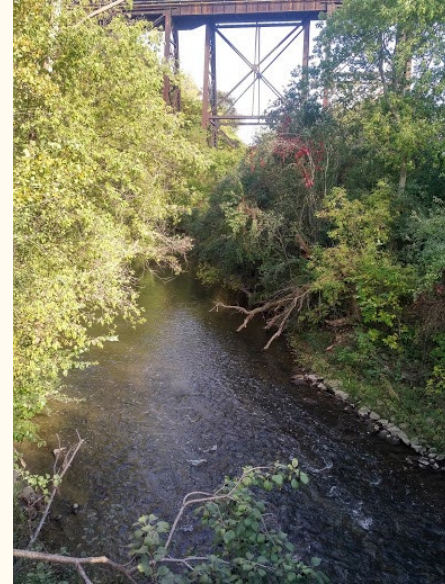
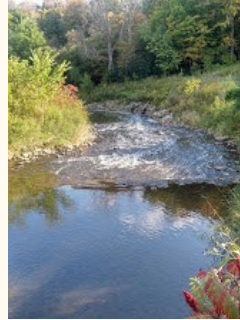
Don Valley Community Legal Services is located near the Don River, flowing into Lake Ontario and we acknowledge that this land we are meeting on today is the traditional territory of many diverse First Nations, Inuit and Metis peoples. We would also like to acknowledge that Toronto is covered by Treaty 13 with the Mississaugas of the Credit.

As a legal clinic we are aware that our Justice system has hurt many Indigenous people and has created a barrier to healing. Indigenous people have a healing process known as a Healing Circle. We ask each of us on this journey to understand that "the healing process is a path an individual takes to get well and to work on issues that interfere with personal growth. Healing involves all the physical, mental, emotional and spiritual aspects of a person. Healing begins when a person shows up and is ready to listen and/or talk about what is bothering them.**

We as a legal clinic are grateful to have this opportunity to be present, listen and allow each to talk about their legal issues and how it affects their life and healing.

*The Circle of Healing, Jean Stevenson, M.S.W.; Cree of Peguis First Nations, Manitoba, Executive Director of the Native Women's Shelter of Montreal.

<https://iaac-aeic.gc.ca/050/documents/p63928/92023E.pdf>



OVERVIEW

1. Who we are and introductions
2. Understanding Employment Insurance During COVID-19
3. CERB/CRB Appeals
4. The Canada Lockdown Benefit
5. The CRCB/CRSB Benefits
6. Paid Sick Leave and WSIB
7. Questions

UNDERSTANDING EMPLOYMENT INSURANCE

Employment Insurance

- EI is administered by the Employment Insurance Commission and Service Canada. Both entities fall under the operations of Employment and Social Development Canada.
- There are different types of EI benefits: regular; sickness; maternity and parental; caregiving; and, fishing.
- The main benefits that are relevant to our discussion are regular and sickness, but we're happy to take questions on the other benefits.
- Essentially, you need to have stopped working for some reason, be it a termination, lay-off, leave, or disability or sickness related reason. Service Canada has a complicated process to ascertain if a worker has “just cause” for leaving a job, so if you have any doubt or questions about entitlements then we recommend speaking with a legal clinic.

Employment Insurance

- EI is probably the preferable option for people if you've been laid-off or terminated due to Covid-19 related reasons as it has the potentially highest benefits available right now.
- EI pays out 55% of your average weekly insurable earnings (\$60,300), up to a maximum of \$638 per week for a maximum of forty-five weeks for regular benefits. Sickness benefits run to a maximum of fifteen weeks to a maximum of the same rate.
- Types of benefits can be combined (i.e. sickness/maternity/parental; or sickness/regular).
- The number of weeks you can receive regular EI benefits is based on the number of insurable hours you have and the unemployment rate in your economic region.
- Sickness benefits can be accessed for any reason related to disability or sickness. Often it's good to speak to a lawyer to figure out if there are other, better, alternatives to EI sickness benefits such as short or long term disability or workers' compensation.

Employment Insurance: Special Covid19 Rules

- You only need to have accumulated 420 hours of insurable employment during your qualifying period to qualify for EI benefits, which will range somewhere between fourteen to forty-two weeks.
- But, a proviso, if you were assessed a violation, you may need more insurable hours to qualify for benefits. The required amount rises based on the number and seriousness of misrepresentations that have been recorded in the 5-year period before the start of your claim.
- This lower qualification threshold for EI benefits runs until September 24, 2022.

Employment Insurance: Special Covid19 Rules

- Covid-19 vaccine mandates with employers. Service Canada has adopted an unfortunate position.
 - In most cases, if you lose or quit your job because you didn't comply with your employer's mandatory COVID-19 vaccination policy, you won't be eligible for EI regular benefits. To determine if you're eligible, Service Canada may contact you to obtain information such as:
 - if your employer clearly communicated a mandatory COVID-19 vaccination policy to you
 - if you were informed that not complying with the policy would result in you losing your employment
 - if applying the policy to you was reasonable within your workplace context
 - if you have a valid reason for not complying with the policy and your employer didn't provide you an exemption.
- Service Canada will use the facts provided by you and your employer to determine if you're entitled to benefits.
- Depending on the circumstances of your situation your local legal clinic might be able to assist

Employment Insurance: Next Steps

Who to contact and what you will need:

- Legal clinics in certain instances can assist with initial EI applications, but most people file them on their own. You'll need your SIN #, address, mother's maiden name, banking information, and information about all of the jobs you've held in the last fifty-two (52) weeks or longer in certain circumstances.
- For regular benefits you can apply at your local Service Canada centre or online: <https://www.canada.ca/en/services/benefits/ei/ei-regular-benefit/apply.html>
- For sickness benefits you can apply at your local Service Canada centre or online at: <https://www.canada.ca/en/services/benefits/ei/ei-sickness/apply.html>
- You do not need a doctor's or medical note to apply for sickness benefits.
- If you're having difficulties please call Service Canada at 1-800-206-7218 and follow the prompts to speak with an agent.

CERB/CRB APPEALS

CERB/CRB Appeals

- Many people were unfairly denied access to the Canada Emergency Response Benefit or the Canada Recovery Benefit that were brought in during the initial part of the pandemic.
- If you have been denied the benefit or have receive a letter from the Canada Revenue Agency or Service Canada asking to additional documentation or relating to CERB or the CRB then we would recommend speaking with a lawyer for advice as you may be (1) at-risk for an overpayment, or (2) entitled to CERB or CRB payments if you properly qualified.
- The Canada Revenue Agency is still accepting requests for reviews, so now is the time to take action if you feel you have wrongly or unjustly denied benefits.

CERB/CRB Appeals

Who to contact:

(1) Your local legal clinic;

(a) <https://www.legalaid.on.ca/legal-clinics/>

(2) Your local MP's constituency office:

(a) <https://www.ourcommons.ca/members/en/constituencies/addresses>

(3) Office of the Taxpayer Ombudsperson:

(a) <https://www.canada.ca/en/taxpayers-ombudsperson.html>

(4) Canada Revenue Agency - CRB/ CERB Appeals Unit

(a) 1 800 232 1966

THE CANADA WORKER LOCKDOWN BENEFIT (CWL B)

The Basics

- Federal CERB-like benefit for job loss caused by a regional COVID-19 lockdown
- Eligible individuals can get \$300.00 before taxes per week between October 24, 2021 - May 7, 2022
- Administered by the Canada Revenue Agency (CRA)
- **Cannot receive CWLB and EI or another benefit at the same time**
- To check if your region is in an eligible lockdown:
<https://www.canada.ca/en/revenue-agency/services/benefits/worker-lockdown-benefit/cwlb-regional-lockdowns.html>
- Extremely important to verify you are eligible - full criteria:
<https://www.canada.ca/en/revenue-agency/services/benefits/worker-lockdown-benefit.html>

Eligibility Criteria

- Reside (live + have a home) in Canada - do not need to be citizen or PR
- Present in Canada
- At least 15 years old with a valid SIN number
- Did not receive any other federal benefits for the same period
- Earned at least \$5000 in 2020, 2021 or in 12 months before application date*
- Filed a 2020 tax return
- Region where you live, work or provide service is designated as a COVID-19 lockdown region
- As a result of the lockdown, you:
 - Lost your job
 - Became unable to continue self-employment
 - Had a 50% reduction in your average weekly income compared to previous year
- Did not quit or turn down reasonable work
- Got the COVID-19 vaccine or not required to continue your work
- Not self-isolating or in quarantine due to int'l travel
- Will file 2021 and 2022 tax returns by December 2023 if you receive benefit in 2022 (or by Dec 2022 if you file your 2021 tax return)

Earnings to Qualify for CWLB

\$5000.00 can comprise of:

- Employment income before taxes - tips, volunteer honoraria, royalties
- Net self employment income after deducting expenses
- EI benefits (maternity, parents, regular, special)
- CERB, CRB, CRCB, CRSB

\$5000.00 will not include:

- Disability benefits
- Student loans/scholarships
- Social assistance or family support programs
- CPP, OAS, CESB

Critical tip: keep copies of bank accounts/ statements/ other documents that verify proof of income

Ensuring Eligibility

- Must be unable to work or making less money due to lockdown or capacity limits that require businesses to lower the number of people allowed inside by half or more
 - must come from a government order and the lockdown must be recognized by federal government as being in a “lockdown region”
 - Generally means a lockdown or capacity reduction for 7 days or more
- In Ontario, CWLB has been available since December 19, 2021, currently listed as ongoing until February 5, 2022 but since lockdown is easing this week make sure to check
- If you qualify for EI you should apply for EI - this is meant for people who do not qualify for EI
 - Gig workers
 - Self employed
 - Not enough insurable hours for EI

Vaccines and Travel

- Not eligible for CWLB if you are not vaccinated unless your job doesn't require vaccination
- Travel: 2 exceptions to rule that you don't get CWLB if you are isolating because of travel:
 - Travelled to get treatment that a medical professional agreed was necessary, or
 - Don't normally have to quarantine when you travel outside of Canada during the COVID-19 pandemic but you must this time, e.g. truck driver or medical professional

How to Apply

- Easiest/ fastest to apply online: [https:// www.canada.ca/ en/ revenue-agency/ services/ benefits/ worker-lockdown-benefit/ cwlb-how-apply.html](https://www.canada.ca/en/revenue-agency/services/benefits/worker-lockdown-benefit/cwlb-how-apply.html)
- Can also apply on phone: 1-800-959-8281
- Must apply within 60 days of missing work
- Have to apply each week - benefit does not renew automatically
- Keep checking to make sure region is still classified as being in lockdown
- Make sure to provide direct deposit info for faster payments

Canada Recovery Caregiving Benefit

(CRCB) +

Canada Recovery Sickness Benefit

(CRSB)

CRCB & CRSB

Eligibility

- Benefits are available for workers who did not apply for or receive any of the following for the same period:
 - Canada Recovery Benefit (CRB)
 - Canada Worker Lockdown Benefit (CWLB)
 - Employment Insurance (EI) benefits
 - Employer income replacement/ short term disability benefits
- Must be working in employment or self-employment on day preceding benefit period
- At least 15 years old on first day of the benefit period
- Reside in Canada, with a valid Social Insurance Number & You were present in Canada
- Must have earned at least \$5,000 in 2019, 2020, 2021, or in the 12 months before the date of application from any of the following sources:
 - employment income (total or gross pay)
 - net self-employment income (after deducting expenses)
 - maternity and parental benefits from EI or similar
- You were not self-isolating or in quarantine due to international travel (2 above-noted exceptions)

Canada Recovery Caregiving Benefit (CRCB)

- Benefits for individuals who are unable to work **at least 50%** of their scheduled work week because they must care for their child under 12 years old or a family member who needs supervised care.
- This applies if their school, regular program or facility is closed or unavailable to them due to COVID-19, or because they are sick, self-isolating, or at risk of serious health complications due to COVID-19.
- Benefit amount: \$500 (\$450 after taxes withheld) per week, paid weekly
- Period for which benefits are available: September 27, 2020 - May 7, 2022
- The maximum number of weeks in respect of which a Canada recovery caregiving benefit is payable to all of the persons residing in the same household is 44

Canada Recovery Sickness Benefit (CRSB)

● Available to individuals who are unable to work **at least 50%** of their scheduled work week because they are self-isolating for one of the following reasons:

○ They are sick with COVID-19 or may have COVID-19

○ They are advised to self-isolate due to COVID-19

○ They have an underlying health condition that puts them at greater risk of getting COVID-19.

● Period for which benefits are available is September 27, 2020 - May 7, 2022

● Maximum number of weeks: 6 weeks

● Amount of benefits is \$500 (\$450 after taxes withheld) per week

How to apply for CRCB & CRSB

- Each 1-week period starts on a Sunday and ends on the following Saturday. You may start applying on the **first Monday after** the 1-week period has ended.
- Easiest way to apply is through CRA My Account
(<https://www.canada.ca/en/revenue-agency/services/e-services/e-services-individuals/account-individuals.html>)
- May also apply by phone: **1-800-959-8281**
- Must apply for each period separately. You may apply for any period you are eligible for that is open for application, including **up to 60 days after** the period has ended.
- To help avoid delays, claimants should file their 2019 and 2020 income tax return.

Ontario COVID-19 Worker Income Protection Benefit

Ontario COVID-19 Worker Income Protection Benefit

- Employees in Ontario are currently eligible for three paid days under infectious disease emergency leave for a number of reasons.
- Employers need to pay workers up to \$200.00 per day and then can apply for reimbursement from the WSIB/Ontario Government.
- For more details, see:
 - <https://www.ontario.ca/page/covid-19-worker-income-protection-benefit>
- Also see this page from the Ministry of Labour, see:
 - <https://www.ontario.ca/document/your-guide-employment-standards-act-0/infectious-disease-emergency-leave>

Paid Infectious Disease Emergency Leave

- For the period between April 29, 2021 and July 31, 2022, employers are required to provide employees who are unable to work for reasons related to COVID-19 up to three paid days of Infectious Disease Emergency Leave (maximum of \$200.00 per day)
- Reasons include: for example, when an employee is under individual medical investigation, supervision or treatment, or when an employee is required to provide care or support to a specified family member, or when employee is receiving vaccine

Questions (and Answers)