

## **COVID-19 and Labour Regulations**

### **Canada – Therrien Couture Joli-Cœur**

#### **1) Remote work**

Unless there is a collective or individual agreement in place, the COVID-19 situation does not grant a right to work remotely – unless the Government chooses to close, once again, some industries. Yet, this is still subject to the employer's discretion and policies.

#### **2) Notice of termination due to COVID-19 circumstances**

The written notice an employer must give to an employee before a layoff of over 6 months (or payment of the compensatory indemnity in the notice) does not apply to an employee whose layoff results from a case of force majeure (or superior force). The current health emergency in Québec could be considered a case of force majeure, particularly if businesses had to suspend their operations due to the different Government's orders and proceed with layoffs without notice. In that case, the employer would not be bound to pay the compensatory indemnity. The notion of force majeure would apply.

#### **3) Employee's protection from sanctions due to absences related to COVID-19**

During the state of health emergency, employees can be absent for up to 14 continuous days to comply with a prescription or recommendation from public health authorities if they are not able to telework or remote work. During these 14 days, their employment is protected.

#### **4) Canada Emergency Wage Subsidy**

Canadian employers who has seen a drop in revenue due to COVID-19, may be eligible and can apply for a subsidy to cover part of the employee wages, retroactive to March 15. This subsidy will enable employers to rehire workers, help prevent further job losses, and ease back into normal operations. This program should still be in place until June 2021.

## 5) **Canada Recovery Benefit**

The Canada Recovery Benefit gives income support (\$500 per week, taxable, tax deducted at source, for up to 26 weeks) to employed and self-employed individuals who are directly affected by COVID-19 (stopped working, or had their employment/self-employment income reduced by at least 50% due to COVID-19) and are not entitled to Employment Insurance benefits.

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