



## EWRB Extended Deadline & Changes to the Employment Standards Act

### Legislative Updates

The Canadian Condominium Institute continues to work during the COVID-19 pandemic to ensure that we communicate with our members regarding important legislative change that are happening on an ongoing emergency basis impacting condominium corporations. At this time, there are two key legislative changes that will have a short-term impact for condominiums: EWRB filing deadlines and changes to the Employment Standards Act.

#### **DEADLINE EXTENDED: Energy & Water Reporting & Benchmarking (EWRB)**

The Ministry of Energy is aware that the outbreak of COVID-19 may have a significant impact on large building owners' ability to satisfy the July 1, 2020 reporting deadline. Due to the challenges created as a direct consequence of COVID-19, the Ministry will accept the submission of the 2020 reporting year data from large building owners until October 1, 2020.

For building owners who wish to report prior to the October 1, 2020 extended deadline, reporting support will continue to be available through the Ministry and Service Ontario. All other requirements of O. Reg. 506/18 continue to apply.

For additional information please visit <https://www.ontario.ca/reportenergywater> or contact Service Ontario.

#### **New Leave, New Employer Rights Related to Pandemic (ESA)**

Ontario employers, including condominium corporations and property management companies, have been given new statutory rights under recent amendments to the *Ontario Employment Standards Act, 2000*.

On May 29, 2020, the provincial government quietly introduced *Ontario Regulation 228/20, Infectious Disease Emergency Leave*. Among other things, the regulation suspended certain *Employment Standards Act* provisions relating to temporary layoffs and deemed terminations. In particular, non-unionized employees who were (or are) temporarily laid off between March 1, 2020 and six weeks after the provincial state of emergency is lifted are deemed to be on authorized "Infectious Disease Emergency Leave". In addition, if any employee wages or hours are reduced because of the pandemic, the employees are not entitled to claim constructive dismissal under the statute.

The changes are significant because they allow employers to temporarily eliminate or reduce employee hours of work and decrease wages without triggering a constructive dismissal under the *Employment Standards Act*, even if the elimination of work extends beyond the time allowed for temporary layoffs under the statute.

The new regulation does not apply to employees who are terminated, or those who were deemed terminated (because of the length their layoff period) on or before May 29, 2020. In addition, the temporary amendment does not prevent employees from making a claim in the courts for wrongful or constructive dismissal.

## **Guidance from the CMRAO**

In response to questions received from Condominium Managers, the Condominium Management Regulatory Authority of Ontario has published a staged re-opening guide for condominium corporations. <https://www.cmrao.ca/en-US/resources/covid-19-resources/>