

COVID-19 UPDATE: RECAP FOR JUNE 22-29, 2020

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Extension to Provincial and Federal Temporary Layoff Periods

Last week both the Federal and British Columbia Provincial governments announced extensions to the time period for temporary layoffs. The changes will provide employers more time to recall employees laid off due to the COVID-19 pandemic before the employees' employment is deemed terminated and the employers' obligation to pay statutory severance pay and vacation pay, as well as possible common law severance, is triggered.

On Tuesday, June 23, 2020, the federal Minister of Labour [announced changes](#) to the *Canada Labour Standards Regulations*. Prior to the changes, an employer that laid off federally regulated private sector employees in March or April 2020, could have seen the employment of those employees deemed terminated within the next few weeks. A similar situation would have occurred within a few months for employees whose layoffs persisted longer than 3 months (but not longer than 6 months) where the employer had provided an expected recall date.

The changes extend the previous time periods by 6 months. More specifically:

- For employees laid off prior to March 31, 2020, the time period for recall is extended by six months or to December 30, 2020, whichever occurs first; and
- For employees laid off between March 31, 2020, and September 30, 2020, the time period is extended until December 30, 2020, unless a later recall date was provided in a written notice at the time of the layoff.

Of note, these changes do not apply to employees who are covered by a collective agreement that contains recall rights. Additionally, the rules are temporary: the previous rules will apply to layoffs occurring after September 30, 2020.

In British Columbia, the Provincial Minister of Labour also [announced a further extension to the temporary layoffs provisions](#) in the *Employment Standards Act* for provincially regulated employees. The most recent changes further extend the maximum period of a temporary layoff during the COVID-19 pandemic to a period of 24 weeks expiring on Aug. 30, 2020 (up from the previous extension of 16 weeks in any period of 20 consecutive weeks as [announced in the province's amendment to the Act in May 2020](#)).

British Columbia Enters Phase 3 of Restart Plan

On Wednesday, June 23, 2020, Premier John Horgan announced that the Province has now entered Phase 3 of the four-phase Restart Plan.

In Phase 3, businesses in the accommodation industry such as hotels, resorts, RV parks, cabins, lodges, and backcountry operators that closed voluntarily (despite no order to close by the Provincial Health Officer) are set to reopen. These businesses must have a COVID-19 Safety Plan in place based on the [protocols set by WorkSafeBC](#). Additionally, in Phase 3 the film industry will resume shooting with safety protocols in place, and British Columbians can also now take part in travel within the province.

Introduction of the B.C. COVID-19 Related Measures Act

On Monday, June 22, 2020, the [Provincial Government introduced the COVID-19 Related Measures Act](#), legislation to allow provisions created for citizens and businesses in response to the COVID-19 pandemic to be formalized (and continue as needed or unwound as appropriate) after the provincial state of emergency ends. The proposed legislation went through second reading on June 24, 2020, and has yet to receive royal assent.

Without the new legislation, all ministerial orders made by the solicitor general under the *Emergency Program Act (EPA)* would end immediately at the conclusion of the provincial state of emergency. The proposed legislation will extend specific orders already made after the end of the state of emergency. More specifically, the Act extends the following orders by 90 days after the expiration or cancellation of the state of emergency:

- Electronic Attendance at Strata Property Meetings (COVID19) Order
- Electronic Attendance at Corporate Meetings (COVID19) Order
- Electronic Attendance at Credit Union Meetings (COVID19) Order
- Local Government Meetings and Bylaw Process (COVID19) Order No. 2
- Electronic Attendance at Statutory Meetings (COVID19) Order
- Correctional Centre Measures (COVID19) Order
- Bylaw Enforcement Officer (COVID19) Order
- Local Authorities and Essential Goods and Supplies (COVID19) Order
- Provincial Compliance Officer (COVID19) Order
- Limitation Periods (COVID19) Order No. 2
- Health Care Labour Adjustment (COVID19) Order
- Prohibition on Unconscionable Prices for Essential Goods and Supplies (COVID19) Order
- Employment and Assistance (COVID19) Order
- Local Government Finance (COVID19) Order
- Electronic Witnessing of Enduring Powers of Attorney and Representation Agreements (COVID19) Order
- Electronic Attendance at UBCM Convention (COVID19) Order
- Protection Against Liability for Sports (COVID19) Order
- Local Government Meetings and Bylaw Process (COVID19) Order No. 3



Additionally, the Act extends the following orders by 45 days after the expiration or cancellation of the state of emergency

- Limitation Periods (COVID19) Order
- Residential Tenancy (COVID19) Order
- Protection Against Liability (COVID19) Order
- Protection Against Liability (COVID19) Order No. 2
- Supreme Court Civil and Family Applications (COVID19) Order
- Encampment Health and Safety (COVID19) Order
- Encampment Health and Safety (COVID19) Order No. 2
- Encampment Health and Safety (COVID19) Vancouver Enforcement Order
- Encampment Health and Safety (COVID19) Victoria Enforcement Order

Given the possibility of a second wave of COVID-19, the Act also provides the possibility for extension of COVID-19 related orders by up to one year after the legislation is brought into force, if required. The Act will also incorporate current ministerial emergency orders so the legislature may pass and formally recognize them.

Separately, the Act allows for the creation of regulations that provide protections from civil liability. Finally, the proposed legislation introduces two permanent, targeted amendments to the *EPA* that clarify the powers available to the minister under section 10 to “do all acts and implement all procedures that the minister considers necessary,” as well as delegates some specific powers to cabinet instead of a single minister.

Introduction of the B.C. *Economic Stabilization Act*

On June 24, 2020, the Provincial Government introduced new fiscal legislation: the *Economic Stabilization Act*. If enacted, the legislation would authorize deficit budgets for the next three years, while the Province supports economic recovery from COVID-19.

The legislation also brings the B.C. Emergency Benefit for Workers into law and updates the eligibility date to March 1, 2020. This change will allow workers whose income is affected by COVID-19 and who filed federal employment insurance claims between March 1 and March 15 to benefit from the support. The application for these individuals will be available as of today, June 26, 2020.

Finally, the legislation will implement several measures already announced including the deferral of filing and payment deadlines for employer health tax, provincial sales tax, hotel tax, carbon tax, motor fuel tax, tobacco tax, and certain classes of commercial property taxes. The legislation will also authorize municipalities to keep school taxes and police tax collected until January 2021, while requiring municipalities to remit taxes for TransLink as of July 2020 to encourage continued transit operation.

Navigating COVID-19 in the Workplace

For further information relating to the COVID-19 pandemic and how it may impact your workplace, please look to our previous bulletins, which can be found on [Roper Greyell's COVID-19 resource page](#).



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This memorandum is current to the morning of **June 29, 2020**, but the pandemic and the responses of federal and provincial governments continue to evolve, and this may impact the accuracy of the information in this bulletin. If in doubt about whether anything in this document is still current, please do not hesitate to [contact us](#).

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