

Workforce Support Measures: Frequently Asked Questions Daily Update

Friday, March 27, 2020

TABLE OF CONTENTS

- 1) TEMPORARY WAGE SUBSIDY FOR EMPLOYERS (PAYROLL TAX RELIEF) 3**
- 2) EMPLOYMENT INSURANCE SICKNESS BENEFIT 3**
 - Q2.1 Who is eligible for waiver of the EI waiting period? 3**
 - Q2.2 Clients who have been laid off as a result of COVID-19 may apply for regular benefits. The number of weeks of entitlement continues to be based on the rate of unemployment where the client usually resides and the number of insurable hours the client has accumulated in their qualifying period. 3**
 - Q2.3 What do employers put on the Record of Employment for employees who decide not to go into work to reduce their risk of getting sick from COVID-19?..... 4**
- 3) WORK-SHARING PROGRAM TEMPORARY SPECIAL MEASURES FOR COVID-19 4**
 - Q3.1 What is Work-Sharing? 4**
 - Q3.2 What are the Special Measures? 4**
 - Q3.3 Which employers are eligible for work-sharing?..... 5**
 - Q3.4 Which employees are eligible for work-sharing? 5**
 - Q3.5 What is a work-sharing unit? 6**
 - Q3.6 What is the waiting period before beginning the work sharing plan? 6**
 - Q3.7 What if you already have a Work-Sharing Agreement in place or have had one in the past? 6**
 - Q3.8 How do I apply for a new Work-Sharing Agreement?..... 7**
 - Q3.9 How do I submit my application for a new Work-Sharing Agreement? 7**
 - Q3.10 Where can I find additional information on the Work-Sharing programs?..... 7**
- 4) “ESSENTIAL SERVICES” AND THE CANADA – US BORDER 7**
 - Q4.1 What documentation will be required at the Canada – US border? 8**
- 5) CANADA EMERGENCY RESPONSE BENEFIT (CERB) 8**
 - Q5.1 Who qualifies for the Canada Emergency Response Benefit (CERB) offered by the CRA? 8**
 - Q5.2 What does the Canada Emergency Response Benefit include? 8**
 - Q5.3 When will the Canada Emergency Response Benefit be available? 8**
 - Q5.4 If I am receiving EI benefits, can I apply for CERB?..... 8**
 - Q5.5 The Canada Emergency Response Benefit will be greater than the EI benefits most workers receive. What happens for existing EI claims? 9**

Q5.6 If you voluntarily choose not to report to work, to self-isolate, are you eligible?.....	9
Q5.7 Are Canadians working outside of Canada, who have lost their job and have returned to Canada because of COVID-19, eligible?	9
Q5.9 Under which case of layoff, temporary or permanent, are you eligible for CERB?.....	9
6) INTERNATIONAL WORKER PROGRAM (TEMPORARY FOREIGN WORKERS).....	9
Q6.1 With the Canadian border closures, will Temporary Foreign Workers be allowed entry to Canada?	9

1) TEMPORARY WAGE SUBSIDY FOR EMPLOYERS (PAYROLL TAX RELIEF)

<https://www.canada.ca/en/revenue-agency/campaigns/covid-19-update/frequently-asked-questions-wage-subsidy-small-businesses.html#h2>

***Please note that as of March 27, 2020, the Government of Canada will now cover 75% of wages for qualifying businesses, up from the previously announced 10%. This will be backdated to March 15, and more information on what businesses can qualify and how to apply is expected to come by Monday March 30th.**

2) EMPLOYMENT INSURANCE SICKNESS BENEFIT

<https://www.canada.ca/en/employment-social-development/corporate/notices/coronavirus.html>

Q2.1 Who is eligible for waiver of the EI waiting period?

Employment Insurance (EI) sickness benefits provide up to 15 weeks of income replacement and are available to eligible claimants who are unable to work because of illness, injury or quarantine.

- The one-week waiting period for [EI sickness benefits will be waived for new claimants who are quarantined so they can be paid for the first week of their claim](#)
- A dedicated toll-free phone number has been established to support enquiries related to waiving the [EI sickness benefits waiting period \(Submit the application before calling the 1-800 number to prevent delays in establishing the claim.\)](#)
- People claiming EI sickness benefits due to quarantine will not have to provide a medical certificate
- People who cannot complete their claim for EI sickness benefits due to quarantine may apply later and have their EI claim backdated to cover the period of delay

Q2.2 Clients who have been laid off as a result of COVID-19 may apply for regular benefits. The number of weeks of entitlement continues to be based on the rate of unemployment where the client usually resides and the number of insurable hours the client has accumulated in their qualifying period.

They may also be entitled to special benefits including sickness, maternity, parental, CCB, or FCB benefits if they meet the entitlement conditions for these benefits.

The following website provides information with respect to program and services that we offer:

<https://www.canada.ca/en/employment-social-development.html>

The following link provides details with respect to SUB plans, including the registration form and the SUB Plan Guide for employers:

<https://www.canada.ca/en/employment-social-development/corporate/contact/supplemental-unemployment-benefit.html>

Employers must submit a request for approval as SUB plans for regular, sickness, or training benefits are registered by National Services – SUB Program.

Q2.3 What do employers put on the Record of Employment for employees who decide not to go into work to reduce their risk of getting sick from COVID-19?

In situations where work is still available for the employee but the employee chooses not to work as a result of the COVID-19 crisis, this separation is considered voluntary. As a result, the voluntary separation must be adjudicated in accordance with EIA 29 and 30.

3) WORK-SHARING PROGRAM TEMPORARY SPECIAL MEASURES FOR COVID-19

<https://www.canada.ca/en/employment-social-development/services/work-sharing.html>

<https://www.canada.ca/en/employment-social-development/corporate/notices/coronavirus.html>

Q3.1 What is Work-Sharing?

Work-Sharing is an Employment Insurance program that helps employers and employees avoid layoffs. The program allows employers to retain skilled employees when there is a temporary decrease in business activity beyond the control of the employer.

- **WS unit:** A WS unit is a group of employees with similar job duties who agree to reduce their hours of work over a specific period of time.
- **Equal sharing of work:** All members of a WS unit agree to reduce their hours of work by the same percentage and to share the available work.
- **Expected work reduction:** A WS unit must reduce its hours of work by at least 10% to 60%. The reduction of hours can vary from week to week, as long as the average reduction over the course of the agreement is from 10% to 60%.
- **Agreement length and extension:** Employers are now able to extend their agreements up to a total of 76 weeks. On a case by case basis, some work-sharing agreements may be approved for shorter periods than usual, such as in response to provincial emergency measures closing non-essential services for a determinate number of weeks.

Q3.2 What are the Special Measures?

- Extension of the maximum possible duration of an agreement from 38 week to 76 weeks.
- Mandatory cooling off period has been waived for employers who have already used the Work-Sharing program so that eligible employers may immediately enter into a new agreement.
- Reduce the previous requirements for a recovery plan to a single line of text within the application form.
- Reduce the requirement and expand eligibility to employers affected by accepting business who have been in business for only one year rather than two.

Q3.3 Which employers are eligible for work-sharing?

To be eligible for a WS agreement, employers must:

- Have been in business for a least one year;
- Have a business that normally operates year-round;
- Be a private business, a publicly-held company, or a not-for-profit organization;
 - A publicly-held company is a for-profit company whereby its shares/stocks are owned by the general public. Public sector employers, including government or publicly-owned corporations, such as crown corporations, are not eligible for Work-Sharing.
 - For a not-for-profit employer to be eligible, the shortage of work must be directly associated with a reduction in the organizations normal level of **business activity**. A reduction in revenue levels alone (for example, grants, donations, memberships, etc.) would not meet the Work-Sharing eligibility criteria. Business activity is defined as the selling of goods or services with an objective to earning profit.
- Have two or more employees that are normally year-round permanent, full or part time that are 'core' staff for the business;
- Demonstrate that the shortage of work is temporary and beyond their control, and is not a cyclical/recurring slowdown;
- Demonstrate a recent decrease in business activity of approximately 10%; and,
- Submit and implement a recovery plan designed to return the Work-Sharing unit(s) to normal working hours by the end of the Work-Sharing agreement. There must be a reasonable expectation that recovery (that is, a return to normal work hours for all participating employees) will be achieved by the end of the agreement.

Note: A franchise will be treated as a stand-alone business.

INTERNAL Currently, the program does not fund public organizations. However, ESDC is considering broadening eligibility to include "government business enterprises", also referred to as "public corporations". These operate in the market place, often in competition with privately owned organizations. Government business enterprises are classified to either the non-financial corporations sector or the financial corporations sector depending on the nature of their activities.

<https://www150.statcan.gc.ca/n1/pub/13-607-x/2016001/832-eng.htm>

The list of GBEs includes universities, gaming corporations, municipal transit corporations. (Allan Bulley 22MR)

<https://www150.statcan.gc.ca/n1/en/catalogue/68-516-X>

Q3.4 Which employees are eligible for work-sharing?

Employees being proposed for a Work-Sharing agreement must:

- be "core employees" (that is, year round permanent full-time or part-time employees who are required to carry out the everyday functions of normal business activity)
- be eligible to receive Employment Insurance benefits; and

- agree to a reduction of their normal working hours in order to share the available work

Although members of the Work-Sharing unit must qualify to receive Employment Insurance benefits, eligibility cannot normally be determined until after members have actually filed for benefits. Therefore, all members of a Work-Sharing unit are considered eligible for benefits unless they are told otherwise by an Employment Insurance official. Employees are not required to inform their employer of the status of their eligibility for Employment Insurance benefits.

Temporary (that is, term or contract) employees are only eligible if they are not employed on a seasonal basis and if they have maintained hours similar to permanent full-time or part-time employees within the last 12 months.

Core employees who were laid off prior to the agreement start date are eligible to participate.

A minimum of two employees is required for a Work-Sharing agreement.

Q3.5 What is a work-sharing unit?

A Work-Sharing unit is a group of core employees who have agreed to participate in the Work-Sharing program and to reduce their normal working hours. A Work-Sharing agreement may include more than one Work-Sharing unit.

The unit generally includes all employees in a single job description or all employees who perform similar work. Employees who do different work but whose jobs impact one another (that is, slowdown in business affects one job resulting in less work for another job or jobs) may form one WS unit provided that all employees can reduce their hours equally.

The Work-Sharing unit should not include employees who are needed to help generate work and/or employees who are essential to the recovery of the business (for example, senior management, executive level marketing/sales agents, outside sales representatives, technical employees engaged in product development, etc. These individuals should be working full-time in support of the company's recovery plan. Other supervisors and managers are eligible to participate and may be included in the Work-Sharing unit (as long as they are not determining the direction of the company).

There must be a minimum of two employees in a Work-Sharing unit.

Q3.6 What is the waiting period before beginning the work sharing plan?

Participants do not have to serve a waiting period to start Work-Sharing benefits. Previously, Service Canada standard processing time was about 30 days following initial application. Currently, Service Canada is bringing in surge staff and streamlining the application process, with the goal of reducing this processing time to 10 days (depending on volumes). (Kate Alexander 23MR)

Previously, there was a mandatory waiting period between Work-Sharing agreements. This has been temporarily waived, as part of the Government of Canada's response to covid-19.

Q3.7 What if you already have a Work-Sharing Agreement in place or have had one in the past?

You may be eligible for an extension of the agreement or have the mandatory waiting period waived if:

- You have an agreement that begin or ends between March 15, 2020 and March 14, 2021
- You have an agreement that was signed between March 15, 2020 and March 13, 2021. The Start date must be no later than March 14, 2021
- You have an agreement that ended between June 23, 2019 and March 14, 2020 and is in the mandatory waiting period.

Q3.8 How do I apply for a new Work-Sharing Agreement?

To submit a request for a new agreement you must submit the following documents:

- EMP 5100 – Application for a Work-Sharing Agreement
- EMP 5101 – Anec A: Work-Sharing Unit Attachment

Q3.9 How do I submit my application for a new Work-Sharing Agreement?

Please send you application to one of the following email addresses, based on the area your business is located:

- Atlantic Provinces Email: ESDC.TP-ATL-WS-TP.EDSC@servicecanada.gc.ca
- Quebec Email: QC-DPMTDS-LMSDPB-TP-WS-GD@servicecanada.gc.ca
- Ontario Email: ESDC.ON.WS-TP.ON.EDSC@servicecanada.gc.ca
- Western Canada and Territories Email: EDSC.WT.WS-TP.ESDC@servicecanada.gc.ca

Q3.10 Where can I find additional information on the Work-Sharing programs?

Employers across Canada may call toll-free:

- Canada and the United States:
 - Toll-free: 1-800-367-5693
 - TTY: 1-855-881-9874
- Outside Canada and the United States:
 - 506-546-7569 (collect calls accepted)

Hours of operation: 7:00 am to 8:00 pm, Eastern Time, Monday to Friday.

Service Canada has also created an enquiry unit for clients affected by COVID-19 that are seeking information related to the Work-Sharing Program. Enquiries can be sent to the mailbox below for specific Work-Sharing information or to request general information about the Program:

- EDSC.DGOP.TP.REP-RES.WS.POB.ESDC@servicecanada.gc.ca

Visit the following Website for more information about the programs and services ESDC is offering to supporting employers and individuals:

- <https://www.canada.ca/en/employment-social-development/corporate/notices/coronavirus.html>

4) “ESSENTIAL SERVICES” AND THE CANADA – US BORDER

<https://www.cbsa-asfc.gc.ca/contact/bis-sif-eng.html>

Q4.1 What documentation will be required at the Canada – US border?

Canada Border Services Agency has established a toll free line, staffed 24/7 to answer specific questions about Border Crossing. The number is 1-800-461-9999 from within Canada, and 1-204-983-3500 or 1-506-636-5064 from outside Canada.

5) CANADA EMERGENCY RESPONSE BENEFIT (CERB)

<https://www.canada.ca/en/department-finance/news/2020/03/introduces-canada-emergency-response-benefit-to-help-workers-and-businesses.html>

Q5.1 Who qualifies for the Canada Emergency Response Benefit (CERB) offered by the CRA?

The CERB covers Canadians who have lost their job, are sick, quarantined, or taking care of someone who is sick with COVID-19, as well as working parents who must stay home without pay to care for children who are sick or at home because of school and daycare closures. The CERB would apply to wage earners, as well as contract workers and self-employed individuals who would not otherwise be eligible for Employment Insurance (EI).

If they meet the criteria of \$5000 income, 15 yrs or older, a Canadian resident, and lost their job or unable to work because of COVID, then they are eligible.

Q5.2 What does the Canada Emergency Response Benefit include?

A taxable benefit of \$2,000 a month for up to four months (\$500 per week for 16 weeks) for workers who lose their income as a result of the COVID-19 pandemic.

Q5.3 When will the Canada Emergency Response Benefit be available?

The government is working to get money into the pockets of Canadians as quickly as possible. The portal for accessing the CERB would be available April 6. EI eligible Canadians who have lost their job can continue to apply for EI as can Canadians applying for other EI benefits; eligible EI applications will be automatically referred for CERB by Service Canada.

Canadians would begin to receive their CERB payments within 10 days of submitting an application; applications will be available starting April 6, 2020. The CERB would be paid every four weeks and be available retroactive to March 15, 2020 until October 3, 2020.

Q5.4 If I am receiving EI benefits, can I apply for CERB?

Canadians who are already receiving EI regular and sickness benefits as of March 15 would continue to receive their benefits and should not apply to the CERB. If their EI benefits end before October 3, 2020, they could apply for the CERB once their EI benefits cease.

Q5.5 The Canada Emergency Response Benefit will be greater than the EI benefits most workers receive. What happens for existing EI claims?

Existing EI claims will continue as they have been for those approved up to March 15th..

Q5.6 If you voluntarily choose not to report to work, to self-isolate, are you eligible?

No, the benefit is for those who have lost their job involuntarily due to COVID-19.

Q5.7 Are Canadians working outside of Canada, who have lost their job and have returned to Canada because of COVID-19, eligible?

Yes.

Q5.8 Are students who are unable to get summer jobs due to COVID-19 eligible?

Students are eligible if they meet the criteria, including \$5000 in income in the previous year.

Q5.9 Under which case of layoff, temporary or permanent, are you eligible for CERB?

Both cases are eligible.

Q5.10 Some employers are reporting difficulty accessing paper Records of Employment (ROEs) due to high volume. How can employees access CERB or EI benefits in this case?

Employers should continue to issue ROEs to employees. However, where there are delays in providing ROEs, employees should nonetheless apply to EI right away. Service Canada can process EI claims without ROEs, using an “interim ROE” where the applicant gives the information that would have been on a formal ROE at the time of application. This allows the claim to move forward immediately, so that employees can receive benefits, and the ROE to be provided later.

6) INTERNATIONAL WORKER PROGRAM (TEMPORARY FOREIGN WORKERS)

https://www.canada.ca/en/immigration-refugees-citizenship/services/coronavirus-special-measures.html?utm_source=slash-ircc-covid19-ircc&utm_medium=short-url&utm_campaign=covid19

Q6.1 With the Canadian border closures, will Temporary Foreign Workers be allowed entry to Canada?

All Temporary Foreign Workers will be able to travel to Canada by air or land. They will be exempt from the air travel restrictions announced on March 16, 2020, as well as border restrictions. Like all travellers, including Canadian citizens and permanent residents, Temporary Foreign Workers who enter Canada by air or land will undergo the necessary health checks and must isolate for 14 days upon arrival in Canada.