



Canadian Media Guild

La Guilde canadienne des médias

CWA/SCA CANADA

KNOW YOUR RIGHTS

A guide for temporary employees during COVID-19

April 9, 2020

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- 1. COVID-19 Information: Your Collective Agreement, EI, CERB**
- 2. Health & Safety Rights**
- 3. Employee Assistant Program Contact Information**
- 4. Useful Links**

1. COVID-19 SPECIFIC INFORMATION:

a) For specific entitlements when it comes to paid and unpaid leave, including sick leave and special leave, please refer to your Collective Agreement directly: <https://www.cmg.ca/en/collective-agreements/>

b) Employment Insurance (EI)

<https://www.canada.ca/en/services/benefits/ei.html>

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

<https://www.canada.ca/en/services/benefits/ei/ei-regular-benefit.html>

If your shifts have dried up completely, please apply to Employment Insurance.

Employment Insurance (EI) provides regular benefits to individuals who lose their jobs through no fault of their own (for example, due to shortage of work, seasonal or mass lay-offs) and are available for and able to work, but can't [find a job](#).

Always apply for EI benefits as soon as you stop working. You can apply for benefits even if you have not yet received your Record of Employment (ROE). If you delay filing your claim for benefits for more than four weeks after your last day of work, you may lose benefits.

APPLY ONLINE: <https://www.canada.ca/en/services/benefits/ei/ei-regular-benefit/apply.html>

c) Canadian Emergency Relief Benefit (CERB)

As of April 15, 2020, Prime Minister Justin Trudeau announced changes to the Canada Emergency Response Benefit (CERB) eligibility rules as follows:

-Allow people to earn up to \$1,000 per month while collecting the CERB.

-Extend the CERB to seasonal workers who have exhausted their EI regular benefits and are unable to undertake their usual seasonal work as a result of the COVID-19 outbreak.

-Extend the CERB to workers who recently exhausted their EI regular benefits and are unable to find a job or return to work because of COVID-19.

<https://www.canada.ca/en/services/benefits/ei/cerb-application.html>

What is the Canada Emergency Response Benefit?

If you have stopped working because of COVID-19, the Canada Emergency Response Benefit (CERB) may provide you with temporary income support. The CERB provides \$500 a week for up to 16 weeks.

Who is eligible

The benefit will be available to workers:

- Residing in Canada, who are at least 15 years old;
- Who have stopped working because of COVID-19 and have not voluntarily quit their job or are eligible for EI regular or sickness benefits;
- Who had income of at least \$5,000 in 2019 or in the 12 months prior to the date of their application; and
- Who are or expect to be without employment or self-employment income for at least 14 consecutive days in the initial four-week period. For subsequent benefit periods, they expect to have no employment or self-employment income.

How to apply

To deliver payments to Canadians in a fast and easy way, the CERB is being jointly delivered by Service Canada and the Canada Revenue Agency.

<https://www.canada.ca/en/services/benefits/ei/cerb-application.html>

How do I know whether to apply for EI benefits or the Canada Emergency Response Benefit?

If you have stopped working because of COVID-19, you should apply for the Canada Emergency Response Benefit, whether or not you are eligible for Employment Insurance. The Benefit is available for the period from March 15, 2020 to October 3, 2020.

Starting April 6, 2020, there is a single portal to assist you with the application process. From this portal, you will then be guided through your responses to a few simple questions to complete the application best suited to you (i.e. eligibility for Employment Insurance benefits or not).

If you became eligible for EI regular or sickness benefits on March 15, 2020 or later, your claim will be automatically processed through the Canada Emergency Response Benefit.

Can I have other income while receiving the Canada Emergency Response Benefit?

You must have stopped working as a result of COVID-19 and be without employment or self-employment income for at least 14 consecutive days within the initial four-week period. This includes income from paid leave, self-employment income or collection of any Employment Insurance benefits.

For subsequent periods, you must expect to have no employment or self-employment income.

You can also apply for the Canada Emergency Response Benefit if you are eligible for Employment Insurance regular or sickness benefits.

Provided it is allowed in your province or territory, you may also receive provincial or territorial support payments at the same time you receive the Canada Emergency Response Benefit.

Do I need to be laid off to access the Canada Emergency Response Benefit?

No.

Workers who remain attached to their company can receive the Benefit, provided they have stopped working as a result of COVID-19, and expect to be without employment or self-employment income for at least 14 consecutive days within the initial four-week period. For subsequent periods, you expect to have no employment income. They must also meet the other eligibility requirements.

You can also apply for the Canada Emergency Response Benefit if you are eligible for Employment Insurance regular or sickness benefits.

Do I need to provide any documentation when I apply for the Canada Emergency Response Benefit?

You will need to provide your personal contact information, your Social Insurance Number and confirm that you meet the eligibility requirements.

You may be asked to provide additional documentation to verify your eligibility at a future date.

Under what circumstances can I apply for the Canada Emergency Response Benefit?

The Canada Emergency Response Benefit is available to those who stop working for reasons related to COVID-19. Examples of stopping to work could include but are not limited to:

- You have been let go from your job or your hours have been reduced to zero;
- You are in quarantine or sick due to COVID-19;
- You are away from work to take care of others because they are in quarantine, sick due to COVID-19; and/or
- You are away from work to take care of children or other dependents whose care facility is closed due to COVID-19.

You can also apply for the Canada Emergency Response Benefit if you are eligible for Employment Insurance regular or sickness benefits.

When and how will I receive my Canada Emergency Response Benefit payment? Is there a waiting period?

Benefits will start within 10 days of you submitting an application. There is no waiting period.

Payments will be made through direct deposit or by cheque. You will be paid more quickly if you choose direct deposit.

Your payments will be retroactive to your eligibility date.

If I am already receiving Employment Insurance regular benefits, should I reapply for the Canada Emergency Response Benefit?

No.

If you are already receiving Employment Insurance regular benefits, you will continue to receive these benefits until the end of your benefit period. You cannot be paid Employment Insurance benefits and the Canada Emergency Response Benefit for the same period.

2. COVID HEALTH AND SAFETY RIGHTS

Who is at the highest risk of contracting the virus at work?

Front line workers in direct contact with the public are at the highest risk. This may include airport personnel, border services and immigration employees, teaching assistants, passport offices employees, healthcare staff etc. Anyone who comes in close proximity with a possibly infected individual could be at risk for contracting the coronavirus.

Right to refuse dangerous work

Do employees have the right to refuse work due to fear of potential exposure to COVID-19?

Collective agreement provisions and health and safety legislation in all jurisdictions in Canada require employers to provide a healthy and safe environment for employees.

Under health and safety legislation, employees **have the right to refuse dangerous work**. This would include refusing work due to hazard related to the COVID-19 pandemic if the worker believes there is a hazard, their concern is communicated to a manager and the seriousness of the perceived danger justifies the risk.

Although the current pandemic has caused justifiable fear and anxiety amongst workers about their health, fear alone of a potential exposure will not be an adequate reason to refuse work.

Whether the work refusal is justified will depend on the facts and the measures taken by the employer to protect health and safety eliminate the potential danger in the workplace.

Some of the measures taken to reduce risk of infection to employees should include:

- Posting signage to alert workers of any signs and symptoms of acute respiratory illness,
- Display posters promoting hand-washing and respiratory hygiene,
- Ensuring tissues and alcohol-based hand rubs are available in bathrooms and other high traffic areas,
- Ensuring social distancing between workspaces,
- Encouraging employees to stay home when they are sick,
- Facilitating teleworking.

You can find valuable resources for businesses and employees on the [Public Health Agency of Canada website](#).

Are directives from public health authorities banning large public gatherings enough to justify my refusal to work in my crowded office?

Public health authorities in most provincial jurisdictions have now banned large gatherings and implored people to practice social distancing, telework and avoid all non-essential travel from home. In some jurisdictions (Québec), all external and internal gatherings have been prohibited and persons who do not follow directed quarantine orders of public health officials can be arrested and subject to significant fines.

If your workplace is set up in a way that prevents you from following public health directives and your employer is not taking reasonable measures to protect you, this may be sufficient reason to justify a work refusal on the ground that the workplace is a hazard.

Can an employer require me to provide medical documentation regarding my fitness to return to work after a COVID-19 illness?

On March 19, 2020 the Ontario government passed legislation Bill-186, *Employment Standards Amendment Act (Infectious Disease Emergencies)*, 2020, which provides that an employee will not be required to provide a medical note if they need to take a leave related to COVID-19. Similarly, an employee would not be required to provide medical documentation upon return to work if they have had COVID-19.

In Quebec, the CNESST advise workers not to go to hospitals or medical clinics if they are not sick.

The Canadian Medical Association has called for the discontinuation of all medical notes in all jurisdictions during the COVID-19 crisis as this puts an unnecessary burden on the health care system.

However, if an employer has reasonable cause to believe based on consistent information that you may not be fit to return to work and may pose a risk to the health and safety of other employees, it may ask for additional medical documentation confirming your fitness to return to the workplace. This would be pursuant to the employer's obligation to provide a health and safe environment for all workers under applicable health and safety legislation and the CA.

The request for information should be limited to what is necessary to make the determination regarding your functional limitations but should exclude any information identifying a disability.

The employer may not unreasonably deny you the ability to return to work if it is relying on impressionistic or discriminatory information. In fact, doing so could constitute discrimination on the basis of perceived disability. This arbitrary action on the part of the employer could be grieved and an arbitrator could eventually require an employer to reimburse you for any leave or income lost as well as damages for pain and suffering.

3. Employee Assistant Program Numbers:

APTN: 1-877-207-8833

CKOF : 1 800 361-5676

Thompson Reuters: 1-877-207-8833 (E)

TVO: 1-844-880-9142

Zoomer: Media 1-844-671-3327

Canadian Press & PMNA: 1-844-880-9137

TFO : 1-844-880-9143

Thompson Reuters: 1-877-307-1080 (F)

Vice: 1-844-880-9142

4. Useful Links

YOUR COLLECTIVE AGREEMENT <https://www.cmg.ca/en/collective-agreements/>

CMG WEBSITE <https://www.cmg.ca> CWA/SCA CANADA

CERB APPLICATION <https://www.canada.ca/en/services/benefits/ei/cerb-application.html>

EI APPLICATION <https://www.canada.ca/en/services/benefits/ei/ei-regular-benefit/apply.html>

PUBLIC HEALTH <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection.html>

GOVERNMENT OF ONTARIO <https://covid-19.ontario.ca/index.html>

GOVERNMENT of B.C.

<https://www2.gov.bc.ca/gov/content/safety/emergency-preparedness-recovery/covid-19-provincial-support>

RESOURCE FOR EMPLOYERS: https://www.firstreference.com/coronavirus-faq/?utm_source=FAQ-APR-1&utm_medium=email&utm_content=A&utm_term=body&utm_campaign=COVID&wherefrom=73789



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