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Ontario Dental Hygienists' Association



**COVID-19  
Update**

### **March 20, 2020 update**

What a week this have been, not only for the profession, but for the nation. It has been wonderful to see the dental hygiene profession in Ontario rally together and stay connected with each other through various online platforms as most practices closed earlier this week. ODHA is here for you and will continue to navigate these challenging times alongside you.

#### **Employment Insurance (EI)/Maternity Leave**

ODHA's employment legal counsel, Piccolo Heath LLP, has an informative open-access [blog](#) offering frequent updates on employment information like the recent passing of the *Employment Standards Amendment Act (Infectious Disease Emergencies)*, 2020. Many of you are familiar with Patrizia Piccolo, B.A., LL.B, from ODHA's growing legal library on the [online learning platform](#). Patrizia is the presenter in ODHA's new online learning courses coming soon - *Termination 101* and *The Right to be Accommodated*.

Access the Piccolo Health blog at <https://www.piccoloheath.com/blog>.

#### **Maternity leave considerations**

*Cynthia Ingram, Senior Associate of Piccolo Heath LLP has answered some questions surrounding the issue of maternity leave. The following is her response.*

Dental services and offices have not been ordered to close, but only to cease all non-essential services. The order came from the Royal College of Dental Surgeons of Ontario and not from Public Health. As such, it is not an order under the *Health Protection and Promotion Act* relating to COVID-19. That said, in response to the order from the RCDSO, many dental offices have directed their employees to stay home.

In the event of someone on maternity leave, who has exhausted all maternity leave and parental leave entitlements, who would have returned to work but is unable to do so because of the business closure, the following would apply:

- The employee would be entitled to an unpaid but job-protected Emergency Leave under the new legislation brought in yesterday afternoon if they are required to provide care to their child because of a daycare closure.

- The employee may be eligible for the Emergency Care Benefits introduced by the federal government which will be available beginning in April.
- The employee may also be eligible for the new Emergency Support Benefit from the federal government, also to be available beginning in April. This is because those returning from maternity leave may not be eligible for regular EI benefits if they do not have the required number of hours worked to qualify.
- When it comes to maternity/parental leave benefits, employees are not able to change between standard and extended parental benefit options once their benefits have been paid. They may, however, change the number of weeks they take within the option they have previously chosen and extend their leave so long as they don't go over the maximum number of weeks for the options they chose.

For those employees who are scheduled to go on maternity leave, but have not yet begun their leave of absence, their entitlement to maternity and parental leave benefits remain as before. To the extent they are away from work prior to the commencement of their maternity leave, the following would apply:

- They may be eligible for regular EI benefits.
- The employee would be entitled to an unpaid but job-protected Emergency Leave under the new legislation brought in yesterday afternoon if they are required to provide care to their child because of a daycare closure.

It is important for all individuals to remember that applications for regular EI benefits, EI sickness benefits and the new Emergency Care/Support Benefits, will be subject to review and assessment by Service Canada.

*To increase accessibility, COVID-19 email communications will be posted on the [COVID-19 update page](#) on the ODHA website.*