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MEMORANDUM

PRIVILEGED AND CONFIDENTIAL

To: Association of Governmental Risk Pools (“**AGRiP**”)
From: Fasken
Date: July 22, 2020
Client/File: 322332.00001
Re: Canadian COVID-19 Legal Monitoring

As discussed with you, we are monitoring and reporting on legislative, regulatory and public policy measures which may affect the business of AGRiP’s Canadian reciprocal exchange members. In particular, we are monitoring developments at the Federal level as well as within B.C., Alberta and Quebec relating to:

- expansions or restrictions of insurance coverage;
- additional requirements or easing of requirements for insurance companies or self-insured entities;
- financial packages that include or do not include insurance companies or self-insured entities;
- workers compensation benefits or funding related to COVID-19;
- employee benefits or funding related to COVID-19;
- liability for COVID-19 exposures;
- emergency funding for local governments or schools;
- expansions or restrictions of local governments or schools authority; and
- other mandates placed on local governments or schools.

The developments that have been announced so far are set out in the chart below. We will update this memorandum on a regular basis in order to keep you informed of ongoing developments. New and amended announcements since the previous report are highlighted in yellow.

Jurisdiction	Developments
Expansions or restrictions of insurance coverage:	
Federal	N/A
B.C.	N/A
Alberta	N/A
Québec	In certain cases, temporary foreign workers whose permits are expiring and cannot be renewed (i) due to processing delays and (ii) as a result of the special measures put in place by <i>Immigration, Refugees and Citizenship Canada</i> may be able to benefit from a six-month extension of the medical coverage provided by <i>Régie de l'assurance maladie du Québec</i> .
Additional requirements or easing of requirements for insurance companies or self-insured entities:	
Federal	<p>The Office of the Superintendent of Financial Institutions (“OSFI”) has suspended the reporting requirement for the IFRS 17 semi-annual progress reports. OSFI has also prepared to offer some flexibility for insurers that may need additional time to meet filing deadlines. Additional information can be found here and here.</p> <p>OSFI expects insurance companies to halt dividend increases and share buybacks for the time being. Additional information can be found here and here.</p> <p>The Financial Transactions and Reports Analysis Centre of Canada (“FINTRAC”) has provided guidance for reporting entities that may be impacted by COVID-19. Additional information can be found here. FINTRAC has provided new interim reporting guidance, applicable as of June 1, 2020.</p> <p>The Financial Consumer Agency of Canada (“FCAC”) has provided guidance regarding how it is responding, including adjusting their regulatory expectations of reporting entities in the current environment. The FCAC has also said that it will monitor the public commitments that reporting entities are making to accommodate the financial hardships of consumers. Additional information can be found here.</p>
B.C.	The British Columbia Financial Services Authority (“ BCFSA ”) has made temporary changes to capital requirements for B.C. incorporated property and casualty and life insurance companies. Additional information can be found here .

Jurisdiction	Developments
	The BCFSA has extended a number of filing deadlines, including the deadlines for the personal information return, world-wide annual financial statements and IFRS 17 progress reports. Additional information can be found here .
Alberta	N/A
Québec	<p>On July 2, 2020, the AMF issued reminders and its expectations towards insurers with respect to sound and prudent management practices relating to the COVID-19 pandemic. Additional information can be found here.</p> <p>The Autorité des Marchés Financiers (“AMF”) has cancelled or extended a number of filing deadlines, including the deadline for financial condition testing reports, the earthquake exposure data form and IFRS 17 progress reports. Additional information can be found here.</p>
Financial packages that include or do not include insurance companies or self-insured entities:¹	
Federal	<p>OSFI has made a number of announcements relevant to insurance companies, including:</p> <ul style="list-style-type: none"> • specifying that payment deferrals will not cause insured mortgages to be treated as delinquent or in arrears; • making certain changes to requirements under the Life Insurance Capital Adequacy Test; and • determining that life, property & casualty, and mortgage insurers that approve premium payment deferrals to policyholders will not be subject to increased capital requirements related to those deferred premiums. <p>Additional information can be found here and here. OSFI has also posted an FAQ page regarding the measures announced so far.</p> <p>The Federal government has implemented a number of financial measures for businesses in response to COVID-19, including:</p> <ul style="list-style-type: none"> • introducing the Large Employer Emergency Financing Facility (“LEEFF”) to provide bridge financing to Canada’s largest employers, whose needs during the pandemic are not being met through conventional financing, in order to keep their operations going. The LEEFF program is open to large for-profit businesses (with the exception of financial sector

¹ Please note that this chart does not include tax measures that have been enacted to support businesses in response to COVID-19, including deferral of tax filings and payments.

Jurisdiction	Developments
	<p>businesses) as well as certain not-for-profit businesses (e.g., airports) whose annual revenues are generally \$300M or more and who require a minimum loan size of about \$60M. Additional information can be found here;</p> <ul style="list-style-type: none"> • launching the Business Credit Availability Program (which includes the Canada Emergency Business Account, the Small and Medium-sized Enterprise Loan and Guarantee and the Co-Lending Program for Small and Medium-sized Enterprises). On May 11, the federal government announced the expansion of the Business Credit Availability Program to mid-sized companies with significant financing needs. Additional information can be found here; • introducing the Canada Emergency Commercial Rent Assistance (“CECRA”) Program for small businesses. On June 30, 2020, the government announced the extension of this program through July; and • providing additional financial assistance to certain industries/communities. <p>Additional information regarding these measures can be found here.</p> <p>The Bank of Canada has also introduced a number of financial measures in response to COVID-19, including cutting interest rates. Additional information regarding these measures can be found here.</p>
B.C.	<p>The B.C. government has tabled Bill 18 - the Economic Stabilization (Covid-19) Act, which confirms supports for people and businesses, while responding to the fiscal impacts of COVID-19 by allowing government to run deficit budgets. Additional information can be found here.</p> <p>The B.C. government has announced that eligible businesses whose landlords choose not to apply for the federal CECRA program will be protected from evictions due to unpaid rent payments through to the end of July 2020, as determined by the federal program timelines. Additional information can be found here.</p> <p>B.C. has provided a number of financial support measures for businesses, including support for businesses unable to pay monthly bills and has committed to provide funding to support economic stimulus once the pandemic has passed. Additional information can be found here.</p> <p>BC Hydro is allowing commercial customers to defer bill payments or arrange for flexible payment plans with no penalty. Additional information can be found here.</p> <p>B.C. is also providing support to specific sectors, including farming and child-care, as well as to rural, remote and indigenous communities. Additional information can be found here.</p>

Jurisdiction	Developments
Alberta	<p>On June 28, 2020, the Alberta government announced the Small and Medium Enterprise Relaunch Grant, which offers financial assistance to Alberta businesses, cooperatives, and non-profit organizations that faced restrictions or closures from public health orders, and experienced a revenue loss of at least 50% due to the COVID-19 pandemic.</p> <p>The Alberta government has also set out some additional details for its recovery plan. Additional information can be found here.</p> <p>ATB small business customers can apply for a payment deferral on loans and lines of credit for up to six months. Additional information can be found here.</p> <p>Alberta is also providing support to specific sectors, including the energy and tourism sectors. Additional information can be found here.</p>
Québec	<p>On June 29, 2020, the AMF has issued additional measures related to market risk disclosure as well as clarifications relating to leverage ratio relief. Additional information can be found here.</p> <p>The Québec government has announced measures to protect commercial tenants ending on August 1, 2020 to temporarily prevent the termination of a commercial lease on real property and the eviction of an occupant due to non-payment of rent during the COVID-19 crisis. Additional information can be found here. On June 12, 2020, the National Assembly was adjourned until September 15, 2020, without having passed such measures.</p> <p>Investissement Québec (“IQ”) has announced the “Temporary concerted action program” for businesses that are in a precarious situation and in temporary difficulty as a result of COVID-19, providing funding of a minimum of \$50,000. Additional information can be found here.</p> <p>Caisse de dépôt et placement du Québec (“CDPQ”) has announced an allocation of \$4B to invest in Québec companies temporarily impacted by COVID-19. Additional information can be found here.</p> <p>The AMF has determined that under the CARLI guideline, Québec-chartered life and health insurers granting payment deferrals due to COVID-19 will not be subject to increased capital requirements for related loans and leases, and that Québec-chartered life and health and damage insurers (P&C insurers) that approve premium payment deferrals to policyholders will not be subject to increased capital requirements related to those deferred premiums.</p> <p>The AMF has introduced a smoothing technique to the CARLI guideline interest rate risk requirements to reduce increased and unwarranted volatility in required capital.</p>

Jurisdiction	Developments
	Additional information can be found here .
Workers compensation benefits or funding related to COVID-19:	
Federal	N/A
B.C.	<p>The Provincial Health Officer has made an Order under the <i>Public Health Act</i> which requires that all employers complete a COVID-19 Safety Plan, and post the Safety Plan online, when applicable, and physically at the workplace.</p> <p>WorkSafeBC published a bulletin which outlines steps that employers should take to develop workplace safety plans, including steps for:</p> <ul style="list-style-type: none"> • assessing risk; • reducing risk; • developing reopening policies; • developing communication plans and training; and • monitoring the workplace. <p>WorkSafeBC has advised that employers will be asked to demonstrate steps taken to protect employees from COVID-19, during any workplace inspection.</p> <p>WCB Premium Deferrals:</p> <ul style="list-style-type: none"> • For employers who pay premiums on a quarterly basis, WCB premiums will be deferred until June 30 2020. For employers who pay on an annual basis, premiums will be deferred until March, 21 2021. Additional information can be found here. • For employers who are eligible for, and in receipt of subsidies under the Canada Emergency Wage Subsidy program, WCB will waive premium payments for employees who have been furloughed, retroactive to March 15, 2020. <p>Claims Guidance:</p>

Jurisdiction	Developments
	<ul style="list-style-type: none"> • WorkSafeBC has posted an FAQ page for employers confirming when COVID-19 would be considered a work-related condition and when to report. • WorkSafeBC has stated that COVID-19 would be considered as work-related when a worker contracts it as a direct result of their employment. Entitlement would be allowed if there is evidence that the worker has contracted COVID-19 (either through a medical diagnosis or non-medical factual evidence) and where the nature of their employment created a risk of contracting the disease that is significantly greater than the ordinary exposure risk for the general public. • WorkSafeBC does not provide coverage for people who, on a precautionary basis, are quarantined, self-isolating or sent home. • Employers should report a case of COVID-19 to WorkSafeBC if the case meets the criteria set out above. If employees are not at greater risk than the general public, WorkSafeBC has stated that employers need not file a report unless WorkSafeBC requests a report.
Alberta	<p>WCB Premium Deferrals:</p> <ul style="list-style-type: none"> • WCB premiums will be deferred until early 2021 for all private sector employers. Additional information can be found here. • For small and medium businesses, 50% of the 2020 premiums will be waived. Small and medium businesses are considered those that make \$10M or less in insurable earnings for 2020. • The deferral applies automatically and employers who have already paid their 2020 WCB premium will be refunded automatically. No interest charges will be applied for unpaid 2020 premiums. <p>Claims Guidance:</p> <ul style="list-style-type: none"> • The Alberta WCB has published both employer and employee fact sheets outlining COVID-19 guidance. The factsheets state that workers would be entitled to a claim for COVID-19 when it is a direct result of the duties of their employment. It must be shown that the nature of the employment involves sufficient exposure to the source of the infection and the nature of the employment is shown to be the cause of the condition, or the nature of the employment creates a greater risk of exposure for the worker.

Jurisdiction	Developments
	<ul style="list-style-type: none"> • Alberta has taken the position that most instances of COVID-19 will not be work-related, with a few exceptions. Where a worker is sent home because of a risk of high exposure, the claim does not need to be reported as there is no illness, and therefore, no claim. • Employers are advised to report a case of COVID-19 to WCB Alberta if the worker is at greater risk than the general public of contracting the virus while at work, and if they lose time from work after contracting the virus. A claim does not need to be reported if staff are not at greater risk than the general public of contracting the infection.
Québec	<p>Quebec has announced that 1,000 officers from several government departments and agencies will visit workplaces throughout the province (but particularly in Montreal). These redeployed officers will work in conjunction with the Commission des normes, de l'équité, de la santé et de la sécurité du travail ("CNESST") to educate employers and workers on COVID-19 health and safety standards. They intend to visit more than 200,000 businesses registered with the CNESST, covering more than 20 industry sectors including retail, finance, manufacturing, construction, personal care. Additional information can be found here.</p> <p>The CNESST has updated its Question and Answer Page with respect to COVID-19. Workers who contract COVID-19 during the course of their employment may be entitled to benefits. The worker must be diagnosed with the disease and it must be shown that the worker came into contact with the virus in the course of their work. For all COVID-19 claims, the worker must consult a physician to obtain a medical certificate confirming the diagnosis. However, in exceptional cases, the CNESST may process a claim for a confirmed or probable COVID-19 infection if the worker completes the Worker's Claim form, declares that they are a carrier of COVID-19 and have received a positive test result or have been ordered to self-isolate by a nurse.</p> <p>As a result of COVID-19, employers have until August 31, 2020 to pay the amount indicated on their Statement of Account for their CNESST premiums. In addition, no penalties or interest will be charged during this time. Additional information can be found here.</p> <p>Employers who are receiving the Canada Emergency Wage Subsidy do not have to pay insurance premiums to the CNESST, either on the amount of the subsidy or on the additional amount they may pay during this period, for weeks when workers do not perform any work.</p>

Jurisdiction	Developments
Employee benefits or funding related to COVID-19:	
Federal	<p data-bbox="363 358 1894 456"><u>Income Support for Paid Sick Leave:</u> The Safe Restart Agreement, which involves a federal investment of more than \$19B to help provinces and territories safely restart their economies, will include a temporary income support program that will provide workers who do not have paid sick leave with access to 10 days of paid sick leave related to COVID-19.</p> <p data-bbox="363 492 1894 654">Introduction of the <u>Canada Student Service Grant</u> (“CSSG”): The CSSG will support post-secondary students and recent graduates as they volunteer to serve Canada’s response to COVID-19. The CSSG will provide these volunteers with a one-time payment of between \$1,000 and \$5,000 based on the number of hours they serve. Not-for-profit organizations will be able to submit volunteer opportunities to the <u>I Want to Help</u> platform. Eligible and high quality placements will be posted on the platform, where students can search and apply for opportunities in their communities. In order to be eligible, a placement must:</p> <ul data-bbox="411 695 1310 927" style="list-style-type: none"> • be with a not-for-profit organization, which includes registered charities; • take place in Canada and support Canada’s response to COVID-19; • be a minimum of two hours per week for four weeks; and • follow all applicable public health requirements. <p data-bbox="363 963 1894 1157"><u>Extension of Temporary Lay-off Period</u> under <i>Canada Labour Code</i>: The <u>Canada Labour Standards Regulations</u> have been amended to temporarily extend the time periods given to federally regulated employers to recall employees laid off due to the COVID-19 pandemic before their employment is deemed terminated. Prior to these changes, federally regulated employers could temporarily lay-off their employees for up to three months if no notice with a recall date was provided, or for a period of up to six months if they provided a notice with an expected recall date, before the lay-off became a deemed termination. The amendments temporarily extend these time periods by up to six months as follows:</p> <ul data-bbox="411 1198 1894 1359" style="list-style-type: none"> • For employees laid off prior to March 31, 2020, the time period is extended by six months or to December 30, 2020, whichever occurs first. • 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.

These changes, which came into effect on June 22, 2020, do not apply to employees who are covered by a collective agreement that contains recall rights. These changes also do not apply to employees whose employment had already been terminated prior to the coming into force of the amendments. This is a temporary measure and these amendments have no impact on layoffs beginning after September 30, 2020.

Solvency Special Payments Relief Regulations, 2020: These regulations, which came into force on May 27, 2020, provide temporary relief for federally regulated defined benefit pension plan sponsors in the form of a moratorium on solvency special payments from May 27 until December 30, 2020. The regulations also provide accommodations for solvency special payments made since April 1, 2020.

Introduction of the Canada Emergency Response Benefit (the “**CERB**”): The CERB provides financial support to employed and self-employed Canadians who are directly affected by COVID-19. The CERB provides a payment of \$2,000 for a 4-week period (\$500 a week) for up to 24 weeks and is available from March 15, 2020 to October 3, 2020. The CERB is available to workers:

- residing in Canada, who are at least 15 years old;
- who have stopped working because of COVID-19 or are eligible for Employment Insurance (“**EI**”) regular or sickness benefits or have exhausted their EI regular benefits between December 29, 2019 and October 3, 2020;
- who had employment and/or self-employment income of at least \$5,000 in 2019 or in the 12 months prior to the date of their application; and
- who have not quit their job voluntarily.

When submitting a first claim, the individual cannot have earned more than \$1,000 for 14 or more consecutive days within the four-week benefit period of the claim. When submitting subsequent claims, the individual cannot have earned more than \$1,000 for the entire four-week benefit period of the new claim.

Introduction of the Canada Emergency Student Benefit: This benefit will provide support from May to August 2020 to students and new graduates who are not eligible for the Canada Emergency Response Benefit. Most eligible students will receive \$1,250 per month. Eligible students with dependents or disabilities will receive \$2,000 per month.

Changes to Employment Insurance: A medical certificate is no longer required for EI. If EI eligibility occurs on or after March 15, 2020, EI Regular and Sickness benefits are automatically delivered as part of the CERB.

Introduction of the [Canada Emergency Wage Subsidy](#) (the “CEWS”): The CEWS covers 75% of an employee’s wages – up to \$847 per week - for employers of all sizes and across all sectors who have suffered a drop in gross revenues of at least 15% in March, and 30% in April and May. Initially, the program was to be in place for a 12-week period, from March 15 to June 6, 2020. However, the CEWS program has been extended **until December 19, 2020**. Employers eligible for the CEWS are entitled to receive a 100% refund for certain employer contributions to EI, the Canada Pension Plan, the Quebec Pension Plan, and the Quebec Parental Insurance Plan paid in respect of employees who are on leave with pay. Public institutions are not eligible for the subsidy; this includes municipalities and local governments, Crown corporations, public universities, colleges, public schools, and hospitals. However, on May 15, 2020, the government approved regulations to extend eligibility for the CEWS to the following groups:

- Partnerships that are up to 50-per-cent owned by non-eligible members;
- Indigenous government-owned corporations that are carrying on a business, as well as partnerships where the partners are Indigenous governments and eligible employers;
- Registered Canadian Amateur Athletic Associations;
- Registered Journalism Organizations; and
- Non-public colleges and schools, including institutions that offer specialized services, such as arts schools, driving schools, language schools, or flight schools.

On May 15, 2020, the government also announced that it intends to propose legislative amendments to the CEWS, which would:

- Provide flexibility for employers of existing employees who were not regularly employed in early 2020, such as seasonal employees;
- Ensure that the CEWS applies appropriately to corporations formed on the amalgamation of two predecessor corporations; and
- Better align the treatment of trusts and corporations for the purpose of determining CEWS eligibility.

On July 20, 2020, the government introduced [Bill C-20, An Act respecting further COVID-19 measures](#), that, if passed, would make the following changes to the CEWS, among others:

- **allow the extension of the CEWS until December 19, 2020, including redesigned program details until November 21, 2020;**

Jurisdiction	Developments
	<ul style="list-style-type: none"> • make the subsidy more accessible to a broader range of employers by providing a gradually decreasing base subsidy to all eligible employers that are experiencing a decline in revenues; • introduce a top-up subsidy of up to an additional 25 per cent for employers that have been most adversely affected by the COVID-19 crisis; • provide certainty to employers that have already made business decisions for July and August by ensuring they would not receive a subsidy rate lower than they would have under the previous rules; • implement previously announced changes; and • address technical issues with the CEWS identified by stakeholders, for example by providing continuity rules to address circumstances where an employer purchased all or substantially all of another entity's business assets. <p>Bill C-20 also enacts the <i>Time Limits and Other Periods Act (COVID-19)</i>, which, if passed, would provide flexibility around certain legislative time limits. This includes temporarily permitting ministers to suspend or extend time limits in relation to specified Acts/regulations for up to six months. The specified Acts/regulations listed include the <i>Canada Labour Standards Regulations</i> and the <i>Canada Occupational Health and Safety Regulations</i>.</p> <p>Changes to the Canada Summer Jobs Program: The Canada Summer Jobs program is intended to create quality summer work experiences for youth between 15 and 30 years of age by providing wage subsidies to not-for-profit organizations, the public sector,</p>

Jurisdiction	Developments
	<p>and private sector organizations with 50 or fewer full-time employees across Canada. The Government of Canada has made temporary changes to the program, including:</p> <ul style="list-style-type: none"> • an increased wage subsidy, so that private and public sector employers can also receive up to 100% of the provincial or territorial minimum hourly wage for each employee; • an extension to the end date of employment from August 28, 2020 to February 28, 2021; • allowing employers to adapt their projects and job activities to support essential services; and • allowing employers to hire staff on a part-time basis (less than 30 hours per week). <p>Changes to the Federal Work Sharing Program: Work-Sharing is a program that helps employers avoid layoffs when there is a temporary decrease in business activity beyond the control of the employer. The program provides EI benefits to eligible employees who agree to reduce their normal working hours and share the available work. The Federal Government has made temporary changes to the program, including extending the maximum duration of the program from 38 weeks to 76 weeks for employers affected by COVID-19. EI benefits received by employees through the Work-Sharing program reduce the benefit that the employer is entitled to receive under the CEWS. Public sector employers, including government or publicly-owned corporations, such as crown corporations, are not eligible for Work-Sharing.</p> <p>Temporary Salary Top-up for Low-income Essential Workers: The government <u>announced</u> an agreement with all provinces and territories to share the cost of wage top-ups for essential workers. The federal government will provide up to \$3B for this new benefit, and the provinces and territories will contribute up to \$1B. Each provincial and territorial government will determine the eligibility criteria for essential workers and how the benefit will be distributed in their respective jurisdictions.</p> <p>COVID-19 Leave of Absence under <i>Canada Labour Code</i>: The Federal Government has passed legislation introducing a new, job-protected leave of absence under the <i>Canada Labour Code</i>. Employees who are unable or unavailable to work for reasons related to COVID-19 are entitled to a leave of absence of up to 16 weeks, or such number of weeks that may be set by regulation. During this period of leave, benefits and pension contributions must be continued (among other requirements).</p>
B.C.	<p>Extension of Temporary Layoff Period under the <i>Employment Standards Act</i>: The Government has increased the amount of time that a temporary layoff will be deemed to constitute a termination. As a result of the amendment, a temporary layoff will be deemed to constitute a termination if an employee is laid off for 24 weeks during any 28 week period.</p>

Jurisdiction	Developments
	<p>Introduction of Pandemic Pay: A \$4 per hour “Pandemic Pay” premium will be provided to employees working in public health, social, and corrections services. The premium will be payable to employees who have actively worked in these services, and excludes management personnel. The pay will be retroactive to March 15, 2020 and is payable for up to 16 weeks.</p> <p>Discussions about Paid Sick Leave: Premier John Horgan has announced during several press conferences that his government intends to introduce paid sick leave provisions into the <i>Employment Standards Act</i>, and that is currently working with federal and other provincial governments to determine a centralized, government-sourced funding for the paid leave.</p> <p>Introduction of the BC Emergency Benefit For Workers: This benefit provides a one-time payment of \$1,000 for workers whose income has been affected by COVID-19.</p> <p>Introduction of COVID -19 Related Leaves of Absence under the <i>Employment Standards Act</i>: The Government has amended the <i>Employment Standards Act</i> to provide mandatory, job-protected leaves of absence for employees who are unable to work for reasons related to COVID-19. This includes employees who are unable to work due to self-isolation requirements, as a result of child-care obligations consequent to school closures, or an inability to return to B.C. as a result of travel restrictions.</p> <p>Employees are entitled to leave for the time that the prescribed circumstance exists, and is retroactive to January 27, 2020.</p> <p>Introduction of Single Site Staffing Restrictions for Health Care Workers: The Provincial Health Officer has restricted health care workers, with some exceptions, from working at multiple health care facilities. The Order applies to acute, long term care, assisted living, private hospital and complex care facilities. The Order applies to employees of employers operating such facilities, as well as contractors and subcontractors at those facilities. At the time of writing, regional Health Authorities and Health Officers have developed and continue to develop implementation and staffing plans for specific worksites.</p> <p>As a result of this and related Orders, all unionized health care workers will be receive wage increases equivalent to Provincial Master (HEABC) Collective Agreements, regardless of whether the employer is a party to the Provincial Master (HEABC) Collective Agreement.</p>
Alberta	<p>Employer Grants for Relaunch Costs. The Alberta government has announced that it will be offering up to \$200M in new financial supports for small and medium sized employers. Businesses with less than 500 employees will be eligible for a one-time payment of up to 15% their monthly sales revenue, up to a maximum of \$5,000, in order to offset a portion of their relaunch costs. The funds can be used for implementing measures to minimize the risk of virus transmission, (such as physical barriers, personal protective equipment and disinfecting supplies), rent, employee wages or replacement of inventory. Details regarding eligibility and how to apply can be found here.</p>

Jurisdiction	Developments
	<p>COVID-19 Leave of Absence under <i>Employment Standards Code</i>: The Provincial Government introduced a new, job-protected leave of absence under the <i>Employment Standards Code</i>. Employees who are unable or unavailable to work due to the requirement to self-isolate or care for a child or dependent who is required to self-isolate are entitled to an unpaid leave of absence of up to 14 days.</p> <p>Further COVID-19 related amendments to the <i>Employment Standards Code</i>:</p> <ul style="list-style-type: none"> • the maximum time for a temporary layoff has increased from 60 days to 180 days (retroactive to layoffs that occurred on or after March 17, 2020); • employers are no longer required to provide group termination notice to employees and unions when 50 or more employees are being terminated; • job protected leaves for employees caring for children affected by school and daycare closures, which will remain in place until August 2021; • employers are no longer required to give two weeks’ notice for changes to work schedules under averaging agreements; and • employers are no longer required to give 24 hour written notice for shift changes. <p>New Health Care Facility Staffing Restrictions: These restrictions prohibit health care employees and contractors from working at more than one health care facility. A new ministerial order details how facility operators must implement and apply the new restrictions. Additional information can be found here. These restrictions may remain in place for up to 18 months from the date of the order.</p> <p>Funding and Relief Measures for Continuing Care Facilities: The Provincial Government has announced additional funding in order to increase staffing and alleviate operational pressures in continuing care facilities. These measures include increased health care aide staffing levels; a wage top up of an additional \$2 per hour for health care aides, paid student practicum positions, and \$24.5M to facility operators to address cost pressures. Additional information can be found here.</p> <p>Ministerial Order Permitting Receipt of Both Provincial Income Support Payments and CERB: Recipients of provincial income support under the <i>Income and Employment Support Act</i> who have lost employment income as a result of COVID-19 are allowed to receive a portion of the Canada Emergency Response Benefit without having such income affect their provincial income support benefits.</p>

Jurisdiction	Developments
Québec	<p>On May 27th, the Quebec government announced it will launch a campaign to convince the population to take training to become beneficiary attendants. The duration of this training will be three months and will run from mid-June until mid-September. Those who agree to take this training will be paid \$21 an hour (they will be paid as “service assistants”). Following the training, these people will be able to receive an annual salary of \$49,000.</p> <p><u>Credit on Employers Contribution to the Health Services Fund in Respect of Employees on Paid Leave:</u> Employers that can benefit from CEWS and that maintain an establishment in Quebec could benefit from a credit on their contribution to the health services fund in respect of employees on paid leave. This credit will be granted for a period of up to 12 weeks, retroactive to March 15, 2020.</p> <p>Additional bonuses for Health Services workers: An investment of \$70M was announced on May 7, 2020 to encourage people to return to work and work full-time (at least 36.25 hours per week). All employees who offer full-time work in CHSLDs (residential and long-term care centres) will receive \$100 per week. If there is at least one COVID-19 case in a given CHSLD, its employees will receive an additional bonus of \$200 after two weeks full time and \$400 after four weeks full time.</p> <p>These same measures will be applied in designated “red zone” hospitals in the greater Montreal region, but only for the following employees:</p> <ul style="list-style-type: none"> • nurses (including clinicians and auxiliaries); • respiratory therapists; • beneficiary attendants; and • maintenance workers. <p>Subsidies will also be paid to residences for the elderly, intermediate family-type resources and private CHSLDs, so that these environments are able to offer the same bonuses to their staff.</p> <p>In addition, all employees in the health and social services network who agree to temporarily transfer from a region to Montreal, Laval or the Montérégie (warm regions) to come and lend a helping hand will receive an amount of \$2,000 per month, which can be added to the premiums stated earlier.</p>

Jurisdiction	Developments
	<p>Introduction of the Incentive Program to Retain Essential Workers (“IPREW”): The Québec government has announced a new financial assistance program for individuals working essential jobs during the COVID-19 pandemic. The assistance amount offered under the IPREW will make up the difference between the CERB and an eligible individual’s wages. Thus, in addition to their wages, essential workers could receive a taxable benefit of \$400 per month, for a total of \$1,600 for the full 16-week period of the program. Payments will be made every two weeks starting on May 27, 2020.</p> <p>Introduction of the Programme d'actions concertées pour le maintien en emploi (“PACME”): The PACME offers direct financial support to eligible employers to promote training, to implement good human resources management practices and to optimize the operation of businesses and the labour market. The program aims at taking advantage of the current interruption to increase the skills of employees or self-employed workers by offering training programs. The government has announced a \$100M budget for this project, which will be used to reimburse eligible expenses incurred by companies for eligible training activities. Reimbursements, per company, will be: 100% of eligible expenses of \$100,000 or less and 50% of eligible expenses that are between \$100,000 and \$500,000.</p> <p>Salary Increases: The government has implemented salary bonuses and hourly rate increases for certain employees in the health and social services sectors, including 8% bonuses for salaried persons working in:</p> <ul style="list-style-type: none"> • emergency units (except psychiatric emergencies); • intensive care units with at least one diagnosed case of COVID-19; • clinics (screening and evaluation) specific to COVID-19; and • home care support services. <p>Incentivizing farm work: In order to incentivize Quebecers to work on the province’s farms during the COVID-19 pandemic, the government has announced a program of \$45M to pay bonuses of \$100 per week to agricultural workers.</p>
Liability for COVID-19 exposures:	
Federal	N/A

Jurisdiction	Developments
B.C.	<p>BC’s ombudsperson has raised questions as to whether the Protection Against Liability Order is valid by way of Ministerial Order of the Solicitor General. On June 22, 2019 the provincial Government introduced Bill 19 into the provincial Legislature, which would enact the Protection Against Liability Order, as well as a number of other Ministerial Orders, by way of statute.</p> <p>The Protection Against Liability (COVID-19) Order protects persons who operate or provide essential services from liability for damages relating, directly or indirectly, to COVID-19, if those persons operate or provide those services, or reasonably believe that they are operating or providing those services, in accordance with all applicable emergency and public health guidance. Additional information can be found here. The Order is made under the <i>Emergency Program Act</i> and continues in effect as long as there is a state of emergency. The current state of emergency in British Columbia ends August 4, 2020 unless renewed.</p>
Alberta	<p>There are currently no statutes or orders in Alberta limiting the liability of persons or entities providing services during the pandemic. There is no existing legislation in Alberta providing such protection.</p>
Québec	<p>Although no Order (similar to the one in B.C.) has been made in response to COVID-19, the second paragraph of article 123 of the <i>Public Health Act</i> provides that “the Government, the Minister or another person may not be prosecuted by reason of an act performed in good faith in or in relation to the exercise of [the powers conferred while the public health emergency is in effect].”</p> <p>In addition, the <i>Civil Code of Québec</i> provides under its article 1471 that “where a person comes to the assistance of another or, for an unselfish motive, gratuitously disposes of property for the benefit of another, he is exempt from all liability for injury that may result, unless the injury is due to his intentional or gross fault.”</p> <p>For future references, we note that the <i>Public Health Act</i> further provides that the “Minister shall compensate, regardless of responsibility, any victim of bodily injury caused by a voluntary vaccination against a disease or infection identified in the regulation made by the Government under section 137 or a vaccination imposed pursuant to section 123”.</p>
Emergency funding for local governments or schools authority:	
Federal	<p>On July 16, 2020, the federal government announced a federal investment of more than \$19B, through the Safe Restart Agreement, to help provinces and territories safely restart their economies and make Canada more resilient to possible future waves of the virus. Additional information can be found here.</p> <p>The federal government announced that funding delivered through the federal Gas Tax Fund will be accelerated this year to help communities as quickly as possible. Additional information can be found here.</p>

Jurisdiction	Developments
B.C.	<p>The B.C. government is earmarking up to \$1B of additional spending targeted to address COVID-19 impacts and restart plans of local governments and public transit services, conditional on matching federal contributions under a 50/50 cost-sharing criteria. Additional information can be found here.</p> <p>The B.C. government is supporting emergency preparedness in communities, and has announced that more than 100 local governments and First Nations communities have been approved to receive their share of \$4.2M in provincial emergency preparedness funding. Additional information can be found here.</p> <p>The B.C. government is providing nearly \$14M in grants for over 150 projects to support economic development and recreational opportunities for British Columbians in rural communities throughout the province. Additional information can be found here.</p> <p>The B.C. government is authorizing local governments to borrow, interest free, from their existing capital reserves to help pay for operating expenses, delaying provincial school tax remittances until the end of the year, and providing local governments with more flexibility to carry debt for an additional year. Additional information can be found here.</p> <p>The B.C. government is working with the cities of Vancouver and Victoria to transition people living in encampments in Oppenheimer Park, Topaz Park and on Pandora Avenue into safe, temporary accommodations with wraparound supports to protect their health and safety in the overlapping COVID-19 and overdose crises. Additional information can be found here.</p>
Alberta	<p>The Alberta government has said that every school authority in Alberta is receiving a funding increase for the 2020-2021 school year – roughly \$120M across the province. Additional information can be found here.</p> <p>The Alberta government has awarded \$200M in infrastructure grants to municipalities to support economic recovery. Additional information can be found here.</p> <p>The Alberta government has announced an additional \$250M in capital funding for school divisions to accelerate maintenance work and create thousands of jobs.</p> <p>The Alberta government has acknowledged the financial impact municipalities are facing and is looking at options to address debt and debt limits. These are expected to be announced shortly. Additional information can be found here.</p>
Québec	<p>On June 3, 2020, the Québec government adopted the <i>Regulation to amend the Regulation respecting the amounts payable by municipalities for the services provided by the Sûreté du Québec in order to defer the payment of the amount payable for the 2020</i></p>

Jurisdiction	Developments
	<p><i>fiscal year</i>, which delays the payment of amounts payable by municipalities for the services provided by the Sûreté du Québec. Additional information can be found here.</p> <p>Local governments facing deficit caused by the COVID-19 pandemic may apply for a “loan by-law”, allowing the deficit to be absorbed. Procedures for the adoption of such a by-law have been shortened. Additional information can be found here.</p>
Expansions or restrictions of local governments or schools authority:	
Federal	N/A
B.C.	<p>A Ministerial Order was extended permitting health-care workers, schools, and other public sectors to utilize certain software and technology in compliance with the <i>Freedom of Information and Protection of Privacy Act</i>.</p> <p>The Local Authorities and Essential Goods and Supplies (COVID-19) Order, among other things, requires local authorities to obtain ministerial approval before making a declaration of a local emergency or exercising a power or making an order under s. 13 of the <i>Emergency Program Act</i> in respect of the COVID-19 pandemic. Additional information can be found here.</p> <p>The Local Government Meetings and Bylaw Process (COVID-19) Order No. 3, among other things, allows municipal councils or bodies to conduct all or part of a meeting electronically. Additional information can be found here.</p>
Alberta	<p>The <i>COVID-19 Pandemic Response Statutes Amendment Act, 2020</i> amends a number of acts which allow some pandemic response efforts to continue and introduce new measures to support the safe and successful reopening of Alberta’s economy. Among the new measures include providing the province and municipalities with flexibility and authority to effectively respond to the COVID-19 pandemic and future provincial emergencies. Additional information can be found here.</p> <p>The <i>Public Health (Emergency Powers) Amendment Act, 2020</i>, provides law enforcement agencies authority to enforce public health orders during a pandemic. Additional information can be found here.</p> <p>While the Alberta <i>Emergency Powers Amendment Act</i> does not provide any express protections or limitations of liability for claims against law enforcement and emergency services providers, we view the risk of liability from the provision of law enforcement and emergency services during the pandemic to be low.</p> <p>The <i>Meeting Procedures (COVID-19 Suppression) Regulation</i> under the <i>Municipal Government Act</i> provides, among other things, that public meetings may be held electronically. Additional information can be found here.</p>

Jurisdiction	Developments
Québec	<p>According to Section 3.12.1. of the <i>Act respecting the Ministère du Conseil exécutif</i>, no government agency, municipal body or school body may, without the prior authorization of the Government, permit or tolerate being affected by any agreement entered into between a third person and another government in Canada or one of its departments or government agencies, or a federal public agency.</p> <p>Pursuant to Order number 528-2020, 475-2020 and 459-2020, excluded from the application of this article are agreements entered with <i>United Way Centraide Canada</i>, <i>Canadian Red Cross</i> or <i>Community Foundations of Canada</i>, as well as agreements granting benefits under the <i>Local Food Infrastructure Fund</i>, <i>Temporary Wage Subsidy</i>, <i>Canada Emergency Wage Subsidy</i> or <i>Canada Emergency Business Account</i> in the context of the COVID-19 pandemic.</p> <p>The Québec government introduced <i>Bill 61 - An Act to restart Québec's economy and to mitigate the consequences of the public health emergency declared on 13 March 2020 because of the COVID-19 pandemic</i> on June 3, 2020, which gives the government the power to designate public infrastructure projects which will benefit from accelerated measures, including relief as to current applicable laws regarding public calls for offers. Additional information can be found here. On June 12, 2020, the National Assembly was adjourned until September 15, 2020, without having passed Bill 61.</p> <p>Pursuant to Order number 2020-049 of the Minister of Health and Social Services dated July 4, 2020, procedures and referendums are now authorized, but subject to certain conditions. Additional information can be found here.</p> <p>Pursuant to Order number 2020-004 of the Minister of Health and Social Services dated March 15, 2020 and Order 2020-029 dated April 26, 2020, the council and executive or administrative committee of any local government are authorized to hold meetings using any means of communication allowing direct communication between members. When it is required by the law, such meeting shall be publicised as soon as possible using any means of communication allowing the public to be informed of the discussions and the decisions taken during such meetings.</p>
Other mandates placed on local governments or schools:	
Federal	N/A
B.C.	<p>The B.C. government initially suspended kindergarten to grade 12 learning in all classrooms, but later announced a 5 phase plan for re-opening in-class education. Under this phased plan, some school boards commenced providing in class learning for children of essential workers, and students with exceptional learning needs. The government subsequently announced that voluntary, part-time in class instruction resumed on June 1, 2020 for the duration of the school year. For those who elected not to return to in-class</p>

Jurisdiction	Developments
	<p>instruction, on-line or virtual instruction continued to be provided. The Ministry of Health and BC Centre for Disease control have provided Guidance documents for safe resumption of in-classroom learning.</p> <p>The Local Authorities and Essential Goods and Supplies (COVID-19) Order, places certain obligations on local authorities, including, among others, to take all measures necessary to identify the resources and facilities within the local authority’s area of jurisdiction that could be used to respond to or mitigate the impacts of the COVID-19 pandemic, and to review and, if necessary, update its local emergency plans and business continuity plans. Additional information can be found here.</p> <p>The Bylaw Enforcement Officer (COVID-19) Order requires that local authorities ensure, to the greatest extent possible without unduly compromising any other bylaw enforcement objectives of the local authority, that each local authority ensure that the local authority’s bylaw enforcement officers provide such assistance as may be required for the purposes of enforcing public health orders. Additional information can be found here.</p>
Alberta	<p>In March, the Chief Medical Officer of Health prohibited attendance at schools. Additional information can be found here. As of May 28, 2020, preschools were allowed to reopen with heightened safety standards and increased precautions. Additional information can be found here. On July 21, 2020, the Alberta government announced additional details regarding students returning to school for the 2020-2021 school year.</p> <p>The <i>Emergency Management Amendment Act, 2020</i>, provides clarity and improved coordination of local and provincial response efforts in the event of emergencies. Additional information can be found here. Additional amendments to the <i>Emergency Management Act</i> were made through the <i>Emergency Management Amendment Act (No. 2)</i> on May 12, 2020. The additional amendments include: (i) allowing states of local emergency for pandemics to last for 90 days; (ii) providing clear language that it is an offence to be non-compliant with orders made under states of local or provincial emergency; (iii) clarifying that the minister has the power to modify a state of local emergency without terminating it, and (iv) clarifying that a provincially declared state of emergency can be for a pandemic in general, and not just for pandemic influenza. Additional information can be found here and here.</p>
Québec	<p>As of July 18, 2020, all individuals aged 12 years’ old or older will have to wear a mask in public indoor spaces.</p> <p>As of July 13, 2020, all individuals aged 12 years’ old or older will have to wear a mask in public transport.</p> <p>As of June 22, 2020, indoor gathering of 50 people or less are authorized under certain conditions.</p> <p>Restaurants outside Montreal reopened on June 15, 2020 and restaurants located in Montreal reopened on June 22, 2020.</p>

Jurisdiction	Developments
	<p>Municipal day camps opened starting June 22, 2020.</p> <p>As of May 11, 2020 preschools and elementary schools progressively reopened to students in all regions of Québec, with the exception of schools located in Montréal and Joliette. Those located in the Montréal metropolitan community reopened on June 1, 2020. Secondary schools will remain closed until September 2020. All school personnel must return to a full-time work schedule starting May 4, 2020.</p> <p>College and university level teaching activities will continue at a distance for the Summer 2020 term, until September 2020, except in the case of practical training that cannot be carried out remotely and that is necessary to enable students to continue their studies in order to graduate.</p> <p>Certain restrictions to operations are lifted with respect to retail businesses subject to certain conditions. Addition information can be found here. Outdoor gatherings under certain conditions have been authorized since May 22, 2020.</p> <p>Pursuant to Order 2020-019 of the Minister of Health and Social Services dated April 10, 2020, school board employees may be redeployed to the health-care sector. Additional information can be found here.</p>
Other Developments of Note:	
Federal	<p>A federal prisoner has filed a lawsuit against the Federal Government for breach of his constitutional rights on the basis that he has been dangerously subjected to the COVID 19 virus due to the lack of social distancing measure in prison.</p>
Ontario	<p>A lawsuit and injunction application has been commenced by social justice groups against the City of Toronto for relief relating to the alleged failure of the city to provide beds and housing for homeless people which are compliant with COVID-19 social distancing procedures. The legal basis for the claim is that the city’s housing services for homeless people are unconstitutional and contrary to human right legislation in that they expose homeless people to injury and harm. No hearing date for the injunction application has been set. A copy of the claim is attached with this report.</p> <p>This lawsuit, while speculative, gives some indication as to the possible legal basis of claims which could be made against municipalities related to COVID-19. The immediate take-away from the lawsuit is that social services provided by municipalities which are inconsistent in COVID-19 related regulations and rules may be challenged.</p> <p>There have been numerous recent individual and class action lawsuits in Ontario against private operators of nursing homes arising from the death of residents. More of these types of lawsuits against nursing homes operators are expected.</p>

Jurisdiction	Developments
Québec	An authorization for a class action was brought before the Superior Court of Quebec by parents of students against certain private schools for reimbursement of tuition fees for the period where the government imposed closure of schools due to the COVID-19 pandemic. The legal basis for the claim is breach of contract as the parents deemed that the online classes provided by such private schools did not satisfy their obligations under the agreements.