Information and Assistance for Members Facing Temporary Layoff as a Result of COVID-19

Receiving notice of temporary layoff can be extremely stressful. Your Union is here to help you understand your rights and options. We can provide you with information and support to assist you during this difficult time.

It is important to read your letter of notice carefully, and consult with your Union Representative to fully understand your rights and options.

IMPORTANT TERMS

Temporary layoff means that your position is being eliminated temporarily, for up to 13 weeks. (Article 12:07a). It is possible for a temporary layoff to get extended beyond 13 weeks in accordance with the ESA (more detail below).

Notice period is the time between when you are told of a layoff and the time that it's implemented. You are paid during this time. For temporary layoff, you receive 2 weeks' paid notice. In most cases, people continue working during the layoff notice period, but depending on the circumstances you may not be required to report to work during the layoff notice period.

UNDERSTANDING THE PROCESS

Temporary Layoff Notice periods (Article 12:07, section A)

Members affected by temporary lay-off will receive a minimum of 2 weeks’ paid notice, prior to the implementation of the layoff. Unlike with indefinite lay-offs, a temporary layoff is up to 13 weeks duration. Given the expectation that you will return to your job after the temporary layoff period, you are not entitled to Redeployment Pool or Severance options as is the case with indefinite layoffs.

After HR and/or your manager has contacted you by videoconference or phone to inform you of the general reasons for the temporary layoff, a formal letter will be emailed to you and copied to the union. The Union will make arrangements to have a Union Representative contact you to provide support.
INFORMATION YOU SHOULD RECEIVE

Your notice of layoff letter will include:

1. The date of your layoff and expected duration
2. Information on continuing benefits after your layoff date

CONTINUATION OF BENEFITS

Employees on temporary layoff of 13 weeks or less may continue coverage for one or more of the following benefits, provided you were enrolled in these benefits prior to the date of lay off (Article 12:10, section d). You will be required to prepay monthly, in advance, the employee portion of the premiums for the benefits you wish to continue.

1. Group Life and Survivor Income Plan
2. Dental Care Plan
3. Extended Health Care Plan
4. Joint Membership Plan
5. Vision Care Plan
6. LTD

Educational Assistance provisions and tuition waivers for dependents do not continue during temporary layoff. While you can’t initiate a new tuition waiver or educational assistance benefit during your temporary layoff, any education programs that are currently in process can be completed provided the tuition waiver has already been processed.

WHAT ABOUT PENSION?

Continuous years of service and seniority continue to accrue during a temporary layoff. This means there will be no impact on the date of your retirement. Your Normal Retirement Date will remain age 65. Your Early Unreduced Retirement Date, remains age 60 provided you have completed 20 years of continuous service.

You cannot continue pension contributions in temporary lay-off, so you don’t accrue pensionable service at this time. This will have an impact on the final calculation of your pension payment. If, for example, you had 22 years’ continuous service at retirement, but had been temporarily laid-off for 3 months, you pension would be calculated on 21 years and 9 months of pensionable service.

VACATION AND LIEU TIME

Where possible, departments will give employees the option of using up any vacation, personal days, or lieu time prior to implementing a temporary layoff. Your vacation and lieu time will continue to be banked for when you return to your position. Note that unused personal days cannot be paid out and cannot be carried
forward. You can inquire about having your vacation paid out, but this is unlikely in a situation where a department is doing temporary lay-offs due to financial constraints. Remember also that if you do get your vacation/lieu time paid out, this may delay any pay-out of EI/CERB benefits (see below).

UNDERSTANDING YOUR RIGHTS

1. You have a right to meet with your Union Representative after you receive your notice.
2. You have a right to accurate information regarding the general nature of and reasons for the temporary layoff.
3. Upon request, you have the right to a letter of employment from HR within 2 weeks of receiving your notice of layoff.
4. The University must issue your Record of Employment (ROE) either five days after the end of the pay period when your earnings are interrupted, or up to 15 days after the first day of the interruption of earnings – whichever is earlier. ROEs are submitted electronically, directly to Service Canada where it is used to process EI claims. To obtain a copy of your ROE, visit the My Service Canada Account page online at http://www.servicecanada.gc.ca/eng/online/mysca.shtml
   More information on how the University issues ROEs can be found at http://pay.hrlandequity.utoronto.ca/roe/
5. You will be eligible to apply to EI/CERB. More info on that below.
6. You have the option of registering with UTEMP to work casual jobs for the University during your temporary layoff. You can also obtain employment outside the University without forfeiting your right to return to your job when the temporary layoff ends.
7. There is no need for you to reapply to your position in order to return to it. You automatically return to your position at the end of the layoff.

APPLY FOR Employment Insurance and Emergency Relief Benefit (EI)/CANADA EMERGENCY RESPONSE BENEFITS (CERB)

Due to the COVID-19 pandemic, the federal government has introduced changes to the way that EI System works. Employment Insurance and Emergency Relief (EI) and the Canadian Emergency Response Benefit (CERB) are two parallel programs for people who are out of work. They have similar eligibility criteria and benefits. EI has temporarily suspended its Regular and Sickness Benefit.

Details of these two programs are still changing frequently. Please see our handout on EI / CERB for more details.

Additional updated information can be found at https://www.canada.ca/en/services/benefits/ei/cerb-application/questions.html

We recommend you start the EI/CERB application process immediately at Canada.ca/coronavirus
SPECIAL CIRCUMSTANCES

Possible Extension of Temporary Layoff Period

While our collective agreement indicates temporary layoff is for periods of up to 13 weeks, it is possible for this period to be extended under the Employment Standards Act. The ESA stipulates temporary layoff should be no more than 13 weeks in any period of 20 consecutive weeks OR more than 13 weeks in any period of 20 consecutive weeks, but less than 35 weeks of layoff in any period of 52 consecutive weeks, with certain conditions. Those conditions can be reviewed at https://www.ontario.ca/document/your-guide-employment-standards-act-0/termination-employment#section-3

Members on Pregnancy, Primary Caregiver/Adoption or Parental Leave

Parental Leave is statutorily protected, which means people on these sorts of leave cannot be laid off until their return. If your position is currently vacant, your department may keep it that way to save money. Depending on the timing of your parental leave, you may be completely unaffected by any temporary layoff. When there is a permanent layoff/organizational change, notice can be given during the parental leave, but the paid notice period doesn’t start until the end of the leave.

Members on sick leave and Long-Term Disability (LTD)

LTD is also a statutorily protected leave, so the same applies as with parental leave (described above). Members on a 15-week short-term sick leave, however, can still receive temporary layoff notice because short-term sick leaves are not protected by Human Rights statute.

Members who are eligible for retirement

If you are eligible for retirement before your layoff date, you may choose to terminate your employment with the University and retire rather than retain the right to return to your position. This also applies to those who may be eligible for reduced retirement benefits as early as age 55. However, you still would not be entitled to any severance payment.

ADDITIONAL SUPPORTS AND RESOURCES

If you at any time you feel overwhelmed, anxious, depressed, sad, frustrated, or alone, please talk to an Employee Assistance Program (EAP) Counselor:

Steelworkers EAP Program, Lifeline Foundation
Telephone 416 977 6888  Email Life_line@bellnet.ca

UofT’s EAP Program, Homewood Health
Telephone 1 800 663 1142 TTY 1 888 384 1152 http://benefits.hrandeducity.utoronto.ca/efap/

24-hr Crisis & Distress Line
Telephone 416 408 HELP (4357)

STILL HAVE QUESTIONS?
Contact us: 416-506-9090 Email info@usw1998.ca Website usw1998.ca

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