



COVID-19 Resource Document: What You Need to Know

The following is a resource guide for construction employers, regarding programs and initiatives launched in response to the COVID-19 pandemic.

Quick-Link Support

1. All Federal **Support to Businesses**: https://www.canada.ca/en/departement-finance/economic-response-plan/covid19-businesses.html#wage_subsidies
2. Deferral of GST/**HST** Tax Remittances <https://www.canada.ca/en/revenue-agency/campaigns/covid-19-update/frequently-asked-questions-gst-hst.html>
3. More Time to Pay **Income Tax**: <https://www.canada.ca/en/revenue-agency/campaigns/covid-19-update.html>
4. Canada Emergency **Wage Subsidy** <https://www.canada.ca/en/departement-finance/economic-response-plan/wage-subsidy.html>
5. Establishing a **Business Credit Availability Program**: <https://www.canada.ca/en/departement-finance/programs/financial-sector-policy/business-credit-availability-program.html>.
6. WSIB Deferred **Premium Payments**: <https://www.wsib.ca/en/news-release/wsib-announces-19-billion-financial-relief-ontario-businesses>
7. **Ministry of Labour** Publishes Construction Health and Safety Guideline for COVID19: <https://www.ontario.ca/page/construction-site-health-and-safety-during-covid-19>
8. **IHSA** Construction Specific Health and Safety Resource Page: <https://www.ihsa.ca/Urgent-Notices/COVID-19-Links-Resources.aspx>
9. **CCA** on Canadian Construction Sites: <https://www.cca-acc.com/covid-19-resources/>
10. **Working at Heights** Training Extension: <https://www.ontario.ca/laws/regulation/r20096>
11. **WSIB** Suspending Legislated and Procedural Time Limits: <https://www.wsib.ca/en/covid-19-faqs-about-wsib-claims>
12. **WSIB COVID19 Claim**: <https://www.wsib.ca/en>
13. Record of Employment (**ROE**): <https://www.canada.ca/en/employment-social-development/corporate/notices/coronavirus.html>



Financial Resources

Deferral of Sales Tax Remittance and Customs Duty Payments

In order to provide support for Canadian businesses during these unprecedented economic times, the Government is deferring Goods and Services Tax/Harmonized Sales Tax (GST/HST) remittances and customs duty payments to June 30, 2020. It is important to note that the filing deadlines with respect to your HST returns are unchanged, however, payment can be deferred to June 30, 2020.

The deferral will apply to GST/HST remittances for the February, March and April 2020 reporting periods for monthly filers; the January 1, 2020 through March 31, 2020 reporting period for quarterly filers; and for annual filers, the amounts collected and owing for their previous fiscal year and instalments of GST/HST in respect of the filer's current fiscal year.

Please visit the following link for more information (<https://www.canada.ca/en/departement-finance/news/2020/03/additional-support-for-canadian-businesses-from-the-economic-impact-of-covid-19.html>).

More Time to Pay Income Tax

The government has announced "more time to pay income taxes" and will be allowing all businesses to defer, until August 31, 2020, the payment of any income tax amounts that become owing on or after March 18 and before September 2020. This relief would apply to tax balances due, as well as instalments, under Part I of the Income Tax Act (<https://www.canada.ca/en/revenue-agency/campaigns/covid-19-update.html>).

Temporary Wage Subsidy

The federal government announced a three-month measure, which will allow eligible employers to reduce the amount of payroll deductions required to be remitted to the Canada Revenue Agency (CRA). Companies calculate the subsidy manually, and subsequently reduce the current remittance of the federal, provincial or territorial income tax that you send to the CRA by the amount of the subsidy. You can start reducing remittances of federal, provincial, or territorial income tax in the first remittance period that includes remuneration paid between March 15, 2020, and June 20, 2020.

Prime Minister Trudeau provided important details on the government's commitment to provide a 75% wage subsidy for businesses impacted by COVID-19. Canada Emergency Wage Subsidy details include:

- The Canada Emergency Wage Subsidy would apply at a rate of 75 per cent of the first \$58,700 normally earned by employees – representing a benefit of up to \$847 per week. The program would be in place for a 12-week period, from March 15 to June 6, 2020.
- Eligible employers who suffer a drop in gross revenues of at least 30 per cent in March, April or May, when compared to the same month in 2019, would be able to access the subsidy.



- Eligible employers would include employers of all sizes and across all sectors of the economy, with the exception of public sector entities.
- Organizations that do not qualify for the Canada Emergency Wage Subsidy may qualify for the previously announced wage subsidy of 10% paid from March 18 to before June 20, 2020.
- Eligible employers would be able to access the Canada Emergency Wage Subsidy by applying through a Canada Revenue Agency online portal. More details on how to apply will follow.
- The Prime Minister warned that there will be serious consequences for any business that improperly uses this benefit.

For more information, please visit: <https://www.canada.ca/en/departement-finance/economic-response-plan/wage-subsidy.html>.

Establishing a Business Credit Availability Program

The government established a Business Credit Availability Program (BCAP) to provide \$65 billion of additional support through the Business Development Bank of Canada (BDC) and Export Development Canada (EDC). This program includes:

- Canada Emergency Business Account: The new Canada Emergency Business Account will provide interest-free loans of up to \$40,000 to small businesses and not-for-profits, to help cover their operating costs during a period where their revenues have been temporarily reduced. To qualify, these organizations will need to demonstrate they paid between \$50,000 to \$1 million in total payroll in 2019.
- Loan Guarantee for Small and Medium-Sized Enterprises: EDC is working with financial institutions to issue new operating credit and cash flow term loans of up to \$6.25 million.
- Co-Lending Program for Small and Medium-Sized Enterprises: BDC is working with financial institutions to co-lend term loans to SMEs for their operational cash flow requirements.

Businesses seeking support through BCAP should contact the financial institutions with whom they have a pre-existing relationship, so that the financial institutions may assess the client's financial request. For more information: <https://www.canada.ca/en/departement-finance/programs/financial-sector-policy/business-credit-availability-program.html>.

WSIB Announces \$1.9 Billion in Financial Relief for Ontario Businesses: Deferred Premium Payments

All employers covered by the WSIB's workplace insurance are automatically eligible for the financial relief package. This means that businesses can defer premium reporting and payments until August 31, 2020. This premium deferral impacts businesses who report and pay monthly, quarterly or annually based on their insurable earnings.

Additionally, no interest will accrue on outstanding premium payments and no penalties will be charged during this six-month deferral period.

For more information on the WSIB financial relief package, please visit <https://www.wsib.ca/en/financialrelief>.



Health and Safety Resources and Updates

Ministry of Labour - Construction site health and safety during COVID-19

On March 29, the Ministry of Labour, Training, and Skills Development (MOLTSD) published the construction site health and safety guidelines for operating during the COVID19 outbreak (available at the following link: <https://www.ontario.ca/page/construction-site-health-and-safety-during-covid-19>). The guidelines include a collection of resources that employers can use to inform their own specific health and safety policies and protocols, including 'evergreen' links to the most up-to-date information on local, provincial, federal, and international efforts to limit the spread of the virus. The MOLTSD health and safety webpage will help organizations find resources, best practices and information to help construction employers understand their rights and responsibilities while operating during COVID-19.

IHSA – Construction Specific COVID-19 Resource Page

The IHSA has created a COVID-19 resource page to provide information to its members. It will be closely monitoring the COVID-19 situation in Ontario and will continue following recommendations from Ontario's Chief Medical Officer of Health and guidance from the Government of Canada. This resource page will be updated on a regular basis. The following link provides a construction specific information page and includes information regarding: (a) construction site health and safety during COVID-19; (b) the measures the Ontario government is taking to limit the spread of COVID-19 on construction sites; and (c), the provincial governments support regarding the health and safety of construction workers during COVID-19. (<https://www.ihsa.ca/Urgent-Notices/COVID-19-Links-Resources.aspx>)

CCA - COVID-19: Standardized Protocols for All Canadian Construction Sites

The following CCA link provides a more detailed and prescriptive best practices for Canadian construction companies, which may help inform a company-specific health and safety policy as it relates to COVID-19 (<https://www.cca-acc.com/wp-content/uploads/2020/03/CCA-COVID-19-Standardized-Protocols-for-All-Canadian-Construction-Sites-03-26-20.pdf> and <https://www.cca-acc.com/covid-19-resources/>).

Working at Heights (WAH) Training Extension

The provincial government has announced a regulation change regarding working at heights (WAH) training. Effective March 27, O. Reg. 297/13 is amended by O. Reg. 96/20 to temporarily extend the validity period of WAH training for workers who successfully completed an approved course between February 28, 2017 and August 31, 2017. The validity period for this training is extended to four years from the current three years.

As a result of the current COVID-19 outbreak, workers may be unable to complete their WAH refresher due to course cancellations. This amendment allows workers whose WAH training is scheduled to expire to continue working and constructors and employers to continue engaging these workers on construction projects. Please note that the related training requirements for workers who use fall



protection systems on construction projects, which are found in section 26.2 of O. Reg. 213/91 (Construction Projects) under the *OHSA*, are not affected by this amendment. Employers must continue to comply with the requirements in section 26.2.

The amended regulation has been filed and has now taken effect. Regulation can be accessed here: <https://www.ontario.ca/laws/regulation/r20096>.

WSIB Suspending Legislated and Procedural Time Limits

In response to the Government of Ontario issuing a regulation under the *Emergency Management and Civil Protection Act*, suspending legislated limitation periods for the duration of the state of emergency, the WSIB will be temporarily extending the following timelines:

- six-month time limit after an injury or illness to file a claim for benefits
- six-month time limit to file a claim for benefits following a WSIAT decision
- 30-day time limit for objecting to a return-to-work decision
- six-month time limit for objecting to any other decisions related to a WSIB claim or account

The suspension applies to any time limits that expired on or after March 16, 2020 and will remain in effect until further notice.

The WSIB continues to expect employers and injured or ill people to make all reasonable efforts to meet the normal procedural timelines, unless they are prevented from doing so due to the state of emergency. Examples of such situations might include an employer needing to focus on setting up their staff to work remotely, or a small employer themselves being struck by the virus.

In such cases, decision makers will use their discretion to reasonably extend the following timelines:

- three-day time limit for an employer to notify the WSIB of an injury or illness
- 10-day deadline for an employer or an injured or ill person to report a material change in circumstances
- three-month time period to make an out-of-province or third-party election

How to File a WSIB COVID-19 claim

The information below outlines how and when people should file claims related to COVID-19.

While the nature of some people's work may put them at greater risk of contracting the virus, for example those treating someone with COVID-19, any claims received by the WSIB will need to be adjudicated on a case-by-case basis, taking into consideration the facts and circumstances.

If you contracted COVID-19 while at work (you have a diagnosis or symptoms of COVID-19), you may file a claim to determine if you are eligible for WSIB coverage

(<https://www.wsib.ca/en/businesses/claims/report-injury-or-illness>)



If you believe you were exposed to COVID-19 while at work, but you are not ill at this time (you do not have a diagnosis or symptoms of COVID-19), please do not file a claim. Instead, you can file an exposure incident form through our Program for Exposure Incident Reporting (PEIR) or Construction Exposure Incident Reporting (CEIR) program (specifically for the construction sector). These are voluntary reporting programs and you will be assigned an incident number. If you become ill in the future, we'll be able to process your claim faster.

To report an exposure, please complete and fax the appropriate form below to 1-888-313-7373 or call us at 1-800-387-0750, Monday to Friday, from 7:30 a.m. to 5 p.m.

Worker's Construction Exposure Incident Form available at:

https://www.wsib.ca/sites/default/files/2019-02/3885a_07_16_fs.pdf

Employer's Construction Exposure Incident Form available at:

https://www.wsib.ca/sites/default/files/2020-01/3886a_01_20_fs.pdf

Please visit the WSIB's website for more information on COVID-19: <https://www.wsib.ca/en>

Issuing Record of Employment

If your employees are directly affected by the coronavirus (COVID-19) and they are no longer working, you must issue a Record of Employment (ROE).

How to Complete ROEs:

- When the employee is sick or quarantined, use code D (Illness or injury) as the reason for separation (block 16). Do not add comments. When the employee is no longer working due to a shortage of work because the business has closed or decreased operations due to coronavirus (COVID-19), use code A (Shortage of work). Do not add comments. When the employee refuses to come to work but is not sick or quarantined, use code E (Quit) or code N (Leave of absence), as appropriate. Avoid adding comments unless absolutely necessary.

For more information on issuing an ROE please visit <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/ei-roe.html> or <https://www.canada.ca/en/employment-social-development/corporate/notices/coronavirus.html>.



COVID19 Issues Update

Emergency Management and Civil Protection Act

In response to the unprecedented Coronavirus COVID-19 (COVID-19) pandemic, and the rise of cases in the province, the Government of Ontario (Ontario) has exercised its powers under the *Emergency Management and Civil Protection Act* (EMCPA) to suspend the running of limitation periods and procedural timelines (the “Suspension Order”) in the province for the duration of the state of emergency declared in Ontario on March 17, 2020. The suspension is retroactive to March 16, 2020 and continues for the “duration of the emergency”. Per section 7.1(4) of the *Emergency Management and Civil Protection Act*, the maximum suspension period is 90 days but can be further renewed in certain circumstances.

Sections 31 and 36 of the *Construction Act* are referred to as “other limitation periods” as listed in the Schedule to the *Limitations Act*, 2002. These sections of the *Construction Act* establish the time periods to preserve and perfect a lien. Unfortunately, however, this tactic has had the unintended consequence of creating a liquidity crisis for Ontario construction companies, as it requires public owners to withhold a contractor’s statutory holdback indefinitely, until the EMCPA is lifted, notwithstanding the project’s completion and no registered liens. More specifically, the suspension of limitations effectively “deactivate” lien “clocks” under Sections 31 and 36 of the *Construction Act*, enabling any party to a project to file a lien against a project at any time. In addition, the suspension means existing liens cannot expire. This puts project owners at risk should they release holdback funds. Retention of these monies is already starting to have a profound negative impact on the professional services and construction sector. Holdback funds represent the vast majority, if not the entirety, of many company’s available operating capital. Losing access to these monies will result in many companies become illiquid very quickly.

In response, the Association has been urging the government to take whatever steps necessarily to expedite the release of holdbacks. More specifically, to amend Re. 73/20 to exclude the provisions of the *Construction Act* and any regulations thereunder, to ensure liens can definitively expire and thus payors can safely release holdbacks. Additionally, the Association advises the government to prescribe, for the duration of the COVID-19 crisis, that project owners take holdback funds through forms of securities other than cash, including demand-worded holdback bonds or letters of credit as set out in the *Construction Act*. These measures will maintain the required security for projects as prescribed by the *Act* while enabling Ontario’s construction services industry to remain viable until more normal economic conditions can return to the market.

WSIB

Following the COVID-19 pandemic, the WSIB developed and posted the Adjudicative Approach Document - Covid-19 which explains how COVID-19 claims will be adjudicated. In the initial rendition, the Adjudicative Approach Document indicated COVID-19 claims would form a part of the individual



employer's record. However, through our Construction Employer's Coalition (CEC), the Association has urged the WSIB to immediately develop an exceptional policy in light of this unique emergency and decree that all COVID-19 claims costs will be collectively borne (i.e. among all Schedule 1 employers) and will not form part of an individual employer's or industry's record. This too would ensure this disaster would not unfairly burden the employers in any class, rather, would be a cost shared across all industries via universal administrative cost. Such an approach appears to be gaining legitimate traction, and we are optimistic it will move forward in favour of the Association.