



FÉDÉRATION  
QUÉBÉCOISE DES  
MUNICIPALITÉS

# COVID - 19

## Synthesis guide

# FOR THE MUNICIPAL EMPLOYER IN CASE OF A LACK OF WORK

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# COVID - 19

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This guide is primarily intended for employers working in the municipal sector (hereinafter: employers). It is intended to be a simple and user-friendly tool. In the current context of COVID-19, information relating to work organization and alternatives has been synthesized in order to maximize its use.

**IMPORTANT REMINDER :** for employers whose workplace is unionized, you must first of all refer to the working conditions provided in the collective agreement. If conditions are provided, they should be applied, unless you are able to demonstrate that you are facing a force majeure. Additional information on this subject will be relayed shortly. We strongly advise you to discuss with the union party in order to adapt the working conditions to the current situation.

## 1

### **Alternative measures to temporary layoffs**

Employers face an important challenge, which is to offset the reduction in work and municipal services offered while anticipating recovery and future needs.

In this context, we strongly invite you to use all your creativity to put in place alternative measures instead of carrying out temporary layoffs.

In addition to the possibility of maintaining the salary or part of the salary of an employee during the pandemic even though he is not working, you could allow the exhaustion of certain leave banks, the possibility of taking an unpaid voluntary leave, a reduction in working hours or the accomplishment of alternative tasks (ex.: filing, updating of archives, creation of new work tools, assistance to citizens, etc.) That said, it may happen that these alternative measures are not possible or that the financial constraints are too significant to use them. In such a case, one of the options open to employers is to temporarily lay off certain staff.

Obviously, the determination of the persons who can be temporarily laid off implies an in-depth analysis of the circumstances with regard to certain existing criteria, including the retention of essential services staff, including the Director General and some of your municipal officers.

## 2

### **What is a temporary layoff?**

A temporary layoff is a temporary suspension of an employee's work contract by the employer, which must be less than six months. In other words, the employee retains his employment relationship for the duration of his layoff, but he is relieved of his obligation to provide his work performance and, in theory, he receives no salary from his employer during this period. Employees who are temporarily laid off can take advantage of employment insurance benefits, if they are eligible.

## 3

### **When can we temporarily lay off employees?**

You can temporarily lay off employees due to a «lack of work», that is to say when you can no longer provide work to the employee due, for example, to the closure of certain facilities, such as arenas and libraries.

## 4

### **Should we temporarily lay off an employee in quarantine or with COVID-19?**

If an employee is sick, injured or quarantined due to COVID-19, you do not have to lay them off temporarily since they could benefit from one of the following two options: disability insurance or payment of employment insurance sickness benefits.

In addition, employees who are not eligible for Employment Insurance sickness benefits and who are either quarantined due to COVID-19 or are caring for one of their family members affected by COVID-19 could benefit from the Federal Emergency Care Allowance. For more information on this, click [HERE](#).

For Quebec employees who are not eligible for any of these options mentioned above, they will be able to benefit from the Temporary Aid for Workers Program. For more information on this, click [HERE](#).

## 5

### **Do we need to provide written notice or compensatory pay during a temporary layoff?**

No written notice or compensatory pay needs to be paid to the employee during a temporary layoff of less than six months.

## Should we maintain the salary during a temporary layoff?

Employers are not required to maintain payment of an employee's salary during a temporary layoff of less than six months.

However, an employer may continue to pay part of the salary to an employee who receives employment insurance benefits, without affecting the amount of benefits received, if the employer joins the Supplemental Unemployment Benefit Program (below: the «Program»).

This is an attractive avenue for employers who wish to maintain the salary conditions of their employees during the pandemic while reducing their financial constraints.

This plan allows an employer to compensate the difference between the unemployment benefits received by an employee and his usual weekly salary up to 95% including during the one week waiting period applicable during a layoff.

If you are interested in this avenue, we invite you to quickly register for the Program. Indeed, in the case of layoffs carried out before the registration of the plan, they cannot be offset, even partially, without having an impact on the benefit received by employment insurance.

We invite you to consult this [link](#) for additional information, including a program template and the registration form.

# 7

## Should we maintain benefits during a temporary layoff?

Employers are not required to maintain payment of employee benefits during a temporary layoff of less than six months.

However, employers who wish to encourage a timely return to work for their employees must consider maintaining certain benefits during the temporary layoff period.

Regarding the upkeep of group insurance, we suggest that you analyze your contract to verify the provisions therein and which could provide for a certain period of time for the upkeep of coverage in the event of temporary layoff as well as their application rules.

If in doubt, we invite you to communicate directly with your group insurer. For employers who are insured with FQM Assurances and who have questions, you can obtain more information at **1 866 951-3343** or by email at [fqmassurancecollective@fqm.ca](mailto:fqmassurancecollective@fqm.ca).



### **Do we need to produce a record of employment in the event of a temporary layoff?**

You must produce a record of employment for a full-time employee when one of the following two situations arises:

- When the employee is in an insurable job and they suffer a loss of pay;
- When Service Canada requests it.

When it is a part-time, on-call or casual employee, you do not have to file a record of employment each time the employee is off work for seven days or more. However, you must produce a record of employment in the following cases:

- When the employee requests a record of employment and experiences a loss of pay;
- When the employee has not performed any work for thirty days and has received no insurable earnings for this period;
- When Service Canada requests it.

In the current context, we recommend that you produce a record of employment during the temporary layoff of all your employees without exception to facilitate the processing of their file and avoid unnecessary delays.

## How long does it take to file a record of employment?

If you file a statement of employment in paper format, you must file it within five days of the first day of interruption of earnings.

Note that if you file a paper statement, you must give the original to your employee. Do not hesitate to take this opportunity to inform him that it is his responsibility to send his record of employment to Service Canada if he wishes to apply for employment insurance benefits. Employees will find the address to post their documents on the «Confirmation and Information» page after submitting their employment insurance claim online.

If you file an electronic statement of employment and your pay period is weekly, biweekly or biweekly, you must file it within five days of the end of the pay period where there was a layoff compensation for the employee.

If your pay period is monthly or has thirteen pay periods per year, you must file the electronic statement of employment on the earliest of the following two dates:

- Five days after the end of the pay period during which the employee's earnings were stopped;
- Fifteen days after the first day of interruption of earnings.

For any questions relating to the record of employment and how to complete it, we invite you to consult the Service Canada manual "How to complete the Record of Employment (ROE) form" by clicking [here](#) or to contact the Service Center. Service Canada employers at **1-800-367-5693**.



## 10

**Can a temporary layoff exceed six months?**

Under the present circumstances, you could proceed in good faith to an indefinite layoff which you consider to be less than six months. However, it is not impossible that the layoff will be longer than six months.

In such a situation, at the end of the six-month period, you will have to pay the compensatory indemnity provided for in the Act respecting labor standards in addition to any amount due, for example, accumulated vacation. Note that the computation of the layoff period begins on the day following that on which the employee stopped working.

## 11

**Should we apply the rules relating to mass layoff in the event of layoffs of several employees?**

The rules relating to mass layoff do not apply to temporary layoffs under the Act respecting labour standards.

**CONCLUSION**

In conclusion, if you have any questions regarding layoffs, we invite you to refer to the FQM's Human Resources and Labor Relations Service at **1 866 951-3343**.

In addition, Service Canada has established a priority line for all inquiries arising from COVID-19. You can call **1 833 381-2725**.

