



This document was updated on **November 27, 2020**.
Information and situations may change.
Check with the union for the most up-to-date
information on your individual situation or query.

Information and Assistance for U of T Staff-Appointed 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.

On November 25, the Union and the University signed a Memorandum of Agreement to protect the job security of our members during the pandemic. If temporary layoffs need to go on for some time, members will have a **guarantee of financial support, benefits, and the right to return to their own job at the end of the layoff**. The information in this document reflects the terms that were negotiated in the Memorandum with notes where this is different from the Collective Agreement.

It is important to read your letter of notice carefully and consult with your [Union Representative](#) to fully understand your rights and options.

Please note, any time an 'article' is referenced, it's in relation to the USW 1998 Staff-Appointed Collective Agreement which is available on the [USW 1998 website](#).

IMPORTANT TERMS

Temporary layoff means that your position is being eliminated temporarily. In our contract, (Article 12:07a) allows for temporary layoffs for up to 13 weeks. It also allows for multiple temporary layoffs. In the Memorandum, **between November 25, 2020 and June 7, 2021**, the University can issue temporary lay-off notices **for longer than 13 weeks**.

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 two 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 12:07a and Memorandum)

Members affected by temporary layoff will receive a minimum of two weeks' paid notice, prior to the implementation of the layoff. In the Memorandum, members will receive **two weeks' paid notice** for their **first temporary lay-off** but will **not receive additional paid notice if it is extended**.

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.

The Memorandum extends **the right to return to your position until September 6, 2021**. Depending on what happens with the pandemic and University operations, you may be recalled back to work before the end date on your layoff.

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.
3. Information on temporary supplemental payment of up to \$1,000 a month for the duration of temporary layoff.

APPLY FOR EMPLOYMENT INSURANCE / CANADA RECOVERY BENEFIT (CRB)

Due to the COVID-19 pandemic, the federal government has introduced changes to the way the EI System works and introduced new temporary recovery benefits, including the Canada Recovery Benefit (CRB) for those who have not worked enough EI insured hours to be eligible. The Canada Emergency Recovery Benefit (CERB) has now been phased out as of October 2020.

We recommend you start the EI or CRB application process immediately. Please see our handout on [Changes to Government Income Support](#) for more details.

Details of these programs are still prone to change. Additional updated information can be found on the Government of Canada's [After CERB: Transitioning to New Benefits](#) page.

In addition to this income support from the government, the University of Toronto has been providing employees who were temporarily laid off due to COVID-19 with up to \$250 per week. The University has confirmed this is as an official [Supplemental Unemployment Benefit \(SUB\)](#) registered with Service Canada. This SUB is not considered earnings and therefore will not result in deductions from EI benefits.

In the Memorandum, the University will **continue this top up until September 6, 2021**, even if the member runs out of EI, transitions to CRB, or if the government changes the federal income support programs.

CONTINUATION OF BENEFITS

Employees on temporary layoff 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 12:10d). **During the COVID crisis, the University will pay both the employee and employer contributions so members can continue benefits at no cost. These payments are guaranteed until September 6, 2021.**

- Group Life and Survivor Income Plan
- Dental Care Plan
- Extended Health Care Plan
- Joint Membership Plan
- Vision Care Plan
- LTD
- Educational Assistance (Provisions 1–5 only) and Fee Waiver for Dependents

OBLIGATION TO INFORM UNIVERSITY OF OTHER EMPLOYMENT

Under the Memorandum, you have an obligation to **inform the University if you find another job or become self-employed while on temporary layoff**. You still maintain your right to recall to your position, but the University **will not continue to pay the top-up or benefits if you have found another job**. There is information below about various scenarios if you find another job at the University.

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 period of layoff will count as service towards your Early Unreduced Retirement Date (age 60, plus 20 years' service).

If you are able to pay the employee and employer contributions, you can continue to accrue pensionable service during temporary layoff. A letter outlining your required contributions will be sent by regular mail to



your home address. Please log in to [Employee Self Service](#) to ensure your mailing address is correct, or work with your manager to have it updated on your behalf.

If you are not able to pay the contributions while on layoff, you will not accrue pensionable service. This will have an impact on the final calculation of your pension payment. If, for example, you have 22 years' continuous service at retirement, but had been temporarily laid off for three months, your pension would be calculated on 21 years and nine months of pensionable service. As mentioned above, there is no change to your regular retirement date.

WHAT ABOUT YEARS OF SERVICE?

Continuous years of service and seniority continue to accrue during a temporary layoff. Thus, if you are indefinitely laid-off later, your time on temporary layoff **will count** as years of service for the purposes of severance.

VACATION AND LIEU TIME

Some departments are implementing vacation periods for staff as a way to lower their salary liabilities and either postpone or reduce temporary layoffs. They may also give people the option of using up any vacation, personal days, or lieu time prior to implementing a temporary layoff.

You do not accrue vacation during a temporary layoff period, but if you have vacation and lieu time in your bank at the start of your layoff, it will still be there 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 extremely unlikely in a situation where a department is doing temporary layoffs due to financial constraints.

WHEN WILL I BE RECALLED?

Your layoff letter will include the duration of the temporary lay-off. For layoffs issued or extended **between November 25, 2020 and June 7, 2021, the duration can be longer than thirteen weeks**. If pandemic restrictions lift, it is possible you could be recalled back to work earlier than the date on your layoff letter. Recognizing that some people will move out of the Toronto area during their lay-off, the Union has assurances from the University that members being recalled early will get **reasonable notice to return to work**. Members may need time to sort out travel and/or childcare arrangements.

WHAT WILL HAPPEN ON SEPTEMBER 6, 2021?

It is everyone's hope that the world and the University will be back to normal by September 2021.

The expectation is that people will be recalled to their jobs as planned. If that is not the case, the University can implement organizational change and indefinite lay-off under articles 12:05, 12:06, and 12:10. In that situation, members would be given their full paid notice and options for enhanced severance or redeployment pool and all their rights under the normal collective agreement terms.

SPECIAL CIRCUMSTANCES

Members on Pregnancy, Primary Caregiver / Adoption, or Parental Leave and Long-Term Disability

These leaves are 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 or expected return from leave or LTD, 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 Short-Term Sick Leave

If you are already on short-term sick leave when you get notice of temporary layoff, your two weeks' paid notice and your sick leave happen concurrently. If your sick leave continues past the intended layoff date, you continue to be on paid sick leave until your return to work date, at which point the layoff period begins. If you are not well enough to return to work at the end of the 15-week sick leave, you can apply for Long Term Disability as per usual.

If you return from sick leave before the end of the temporary layoff period, you will not get another two weeks' paid notice, but would commence the remainder of the temporary layoff.

If your return from sick leave is past the end date of the temporary layoff, you return to work in the normal course.

Sick Leave After Temporary Layoff

If you go on sick leave during your two weeks' notice period, you are paid until the end of the notice period, after which you are on layoff.

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.

Applying for Other Jobs at the University of Toronto

You can apply for other jobs at the University while you are on temporary layoff.

Here are some things to keep in mind:

- If you accept another **continuing position** at the University, you are resigning from your current position and moving on.
- Beyond the **first two months** you are in the new job, you do not have the option of returning to your original job.
- If you accept a term position at the University you should **request a secondment** from your position (Article 12:04d) so you are able to return to your original job at the end of the term. Otherwise, you will receive an indefinite layoff twelve weeks before the end of your term position. If the term position ends **before September 6, 2021**, you still have the right to be recalled to your original job.
- If you are doing casual or UTEMP work while on temporary lay-off, you need to inform the University about the employment and this will affect your top up and benefits.

Looking for Other Jobs Outside the University of Toronto

You can apply for and work at other jobs while you are on temporary layoff. Keep in mind that there are [rules about earning money while on EI](#), including keeping only 50 cents of your EI benefits for every dollar you earn and not receiving any EI benefits for weeks when you work the full week. Working while attempting to collect CRB can [impact your eligibility](#) for the two-week periods for which you can apply.

Note that EI and CRB are taxable income, so you may be required to pay some of that income back when you file your 2020 taxes.

As noted above, you must **inform the University if you find other employment**.

UNDERSTANDING YOUR RIGHTS

1. You have a right to meet with your Union Representative after you receive your notice. This will be done by email, phone, or videoconference during the COVID crisis.
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

5. they are used to process EI claims. To obtain a copy of your ROE, visit the [My Service Canada Account](#) page.
6. You will be able to apply to [Employment Insurance \(EI\)](#) if you've accumulated enough EI insured hours. Otherwise, you will be able to apply for the [Canada Recovery Benefit \(CRB\)](#). Please see our handout on [Changes to Government Income Support](#) for more details.
7. 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.
8. 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.

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) Counsellor**:

Steelworkers EAP Program, Lifeline Foundation

Telephone 416-977-6888 E-mail life_line@bellnet.ca

University of Toronto's EAP Program, Homewood Health

Telephone 1-800-663-1142 TTY 1-888-384-1152

Website benefits.hrandequity.utoronto.ca/efap/

24-hr Crisis & Distress Line

Telephone 416-408-HELP (4357)

STILL HAVE QUESTIONS?

Contact Us

Telephone 416-506-9090

E-mail info@usw1998.ca

Website usw1998.ca