



LEGISLATIVE SUMMARY

BILL C-4: AN ACT RELATING TO CERTAIN MEASURES IN RESPONSE TO COVID-19

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Legislative Summary of Bill C-4
(Legislative Summary)

Publication No. 43-2-C4-E

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LEGISLATIVE SUMMARY OF BILL C-4: AN ACT RELATING TO CERTAIN MEASURES IN RESPONSE TO COVID-19

1 BACKGROUND

Bill C-4, An Act relating to certain measures in response to COVID-19 (short title: COVID-19 Response Measures Act)¹ was introduced in the House of Commons on 28 September 2020 by the Honourable Carla Qualtrough, Minister of Employment, Workforce Development and Disability Inclusion, and given first reading the same day.

On 29 September 2020, the bill received second reading in the House of Commons, was referred to the Committee of the Whole and reported without amendments, was concurred in at report stage, and received third reading. The bill then proceeded to the Senate, where it was passed without amendment and received Royal Assent on 2 October 2020.

Bill C-4 replaces Bill C-2, An Act relating to economic recovery in response to COVID-19 (short title: COVID-19 Economic Recovery Act).² Bill C-2 was introduced and given first reading on 24 September 2020 and will now die on the *Order Paper*. The provisions in Bill C-4 relating to the eligibility criteria for the Canada recovery sickness benefit and the corresponding job-protected leave of absence are broader than those contained in Bill C-2, as they include underlying conditions, ongoing treatments and other sicknesses that would make an employee more susceptible to coronavirus disease 2019 (COVID-19).

Bill C-4 has three parts, comprising 10 clauses, and a schedule:

- Part 1 enacts the Canada Recovery Benefits Act (CRBA) to authorize the payment of three new temporary benefits (i.e., the Canada recovery benefit, the Canada recovery sickness benefit and the Canada recovery caregiving benefit) to workers impacted by COVID-19 who are not eligible for Employment Insurance (EI). These benefits will be in place until 25 September 2021. It also makes consequential amendments to the *Income Tax Act* (ITA) and the *Income Tax Regulations*.
- Part 2 amends the *Canada Labour Code* (CLC) to, among other things, modify the reasons for which an employee may take leave related to COVID-19, along with the number of weeks associated with that leave. In addition, it extends the duration of the leave provisions from 1 October 2020 until 25 September 2021. Part 2 also amends the legislation to temporarily authorize the Governor in Council to make regulations to remove requirements or conditions regarding certificates issued by a health care practitioner, as set out in certain provisions under Part III of the CLC.
- Part 3 amends the *Public Health Events of National Concern Payments Act* to authorize payments for specified measures that protect the health and safety of

Canadians and support individuals and businesses. Part 3 will be repealed as of 31 December 2020.

This Legislative Summary provides a brief description of the main measures proposed in Bill C-4 by summarizing the substance of each part.

2 DESCRIPTION AND ANALYSIS

2.1 SHORT TITLE (CLAUSE 1)

Clause 1 establishes the short title of Bill C-4, namely, the COVID-19 Response Measures Act.

2.2 PART 1: ENACTMENT OF THE CANADA RECOVERY BENEFITS ACT (CLAUSE 2)

Clause 2 of Bill C-4 enacts the CRBA, which includes provisions for three new temporary benefits as part of Canada's economic response to the COVID-19 pandemic: the Canada recovery benefit, the Canada recovery sickness benefit and the Canada recovery caregiving benefit, which are explained in greater detail below.

These benefits were introduced following the phase-out of the temporary Canada Emergency Response Benefit (CERB). The CERB was introduced by the *Canada Emergency Response Benefit Act*, which was part of the *COVID-19 Emergency Response Act* (formerly Bill C-13, An Act respecting certain measures in response to COVID-19).³

2.2.1 Canada Recovery Benefit

Part 1 of the CRBA introduces the Canada recovery benefit.

Individuals are eligible for this benefit for any two-week period falling between 27 September 2020 and 25 September 2021 if they

- have a valid social insurance number (section 3(1)(a));
- are at least 15 years of age (section 3(1)(b));
- are residents and were present in Canada during the two weeks for which they are applying (section 3(1)(c));
- have earned at least \$5,000 in 2019, in 2020, or in the 12 months preceding their application, from employment, self-employment, EI or provincial benefits for pregnancy or the care of one or more newborn or adopted children, or any other source of income prescribed by regulation (sections 3(1)(d) and 3(1)(e));
- were unemployed or had their average weekly employment or self-employment income reduced by at least 50% for reasons due to COVID-19, other than the

reasons covered by the Canada recovery sickness benefit and Canada recovery caregiving benefit, during the two-week period for which they are applying (section 3(1)(f));

- did not receive provincial maternity or parental benefits, the Canada recovery sickness benefit, the Canada recovery caregiving benefit, or any other income prescribed by regulation in relation to the two-week period for which they are applying,⁴ and the two-week period does not overlap with an actual or potential EI benefits period (sections 3(1)(g) and 3(1)(h));
- sought work during the two-week period, whether in employment or self-employment, and did not place undue restrictions⁵ on their ability to work during that period (sections 3(1)(i) and 3(1)(j));
- depending on whether they have previously received the Canada recovery benefit, have not voluntarily quit their employment or ceased to work on or after 27 September 2020, or on or after the first day of the two-week period for which they are applying, unless it was reasonable to do so (sections 3(1)(k)(i) and 3(1)(l)(i)); and
- during the two-week period for which they are applying or in the eight weeks preceding it, have not failed to return to work or resume self-employment when reasonable to do so, or declined a reasonable job offer (sections 3(1)(k)(ii) and 3(1)(l)(ii)).

A person may apply for this benefit for any two-week period falling between 27 September 2020 and 25 September 2021, provided that the application is made within 60 days of the end of that period (section 4).

The weekly amount for the Canada recovery benefit is \$500 (section 8(1)). The benefit is payable to a person for a maximum of 13 two-week periods, minus a two-week period for every two weeks between 27 September 2020 and 25 September 2021 during which the applicant received regular EI benefits⁶ in relation to a benefit period⁷ that was established on or after 27 September 2020 (section 9(1)). The maximum number of two-week periods is reduced by five each time a person is not entitled to the benefit because they did not return to employment or self-employment when it was reasonable to do so, or because they declined a reasonable offer of work (section 9(3)).

2.2.1.1 Repayment of the Canada Recovery Benefit

Individuals who receive the Canada recovery benefit and have an income of more than \$38,000 in 2020 or 2021 will be required to repay 50 cents for every dollar of income earned above \$38,000 in the year in question. The repayment amount can be up to the total of Canada recovery benefits received that year (not including erroneous payments or overpayments). The amount must be recovered through income taxes by the Minister of Employment and Social Development (the Minister) by the balance-due day for the year (section 8(2)).⁸

For the purposes of repayment, “income” refers to the person’s income for 2020 or 2021 as determined by Part I of the ITA, with certain exclusions that are set out in section 8(3) of the CRBA.

Section 8(4) of the CRBA clarifies how specific ITA provisions should be read in the context of repayment of the Canada recovery benefit. Consequential amendments to the ITA are added under section 42 of the CRBA.

The CRBA also amends the *Income Tax Regulations*⁹ to clarify what employers should deduct or withhold when making lump sum payments to employees (sections 44(1), 44(2) and 44(3)), and this change is deemed to have come into force on 27 September 2020 (section 44(4)).

2.2.2 Canada Recovery Sickness Benefit

Part 2 of the CRBA introduces the Canada recovery sickness benefit.

Individuals are eligible for this benefit for any week falling between 27 September 2020 and 25 September 2021 if they

- have a valid social insurance number (section 10(1)(a));
- are at least 15 years of age (section 10(1)(b));
- are residents and were present in Canada during the week for which they are applying (section 10(1)(c));
- have earned at least \$5,000 in 2019, in 2020, or in the 12 months preceding their application, from employment, self-employment, EI or provincial benefits for pregnancy or the care of one or more newborn or adopted children, or any other source of income prescribed by regulation (sections 10(1)(d) and 10(1)(e));
- during the week for which they are applying, were unable to work for at least 50% of their scheduled work week because they
 - contracted or might have contracted COVID-19 (section 10(1)(f)(i)),
 - are, in the opinion of a medical practitioner, nurse practitioner or other authority, more susceptible to COVID-19 due to an underlying condition, ongoing treatment, or other sickness (section 10(1)(f)(ii)),¹⁰ or
 - were advised to isolate themselves due to COVID-19 (section 10(1)(f)(iii));
- in relation to the week for which they are applying for the Canada recovery sickness benefit, have not applied for or received EI benefits, the Canada recovery benefit, the Canada recovery caregiving benefit, benefits paid under a provincial plan because of pregnancy or the need to care for a newborn or newly adopted child, or any other income prescribed by regulation (section 10(1)(g)); and
- have not been granted paid leave or been paid under a sickness benefit plan in relation to the week for which they are applying for the Canada recovery sickness benefit (section 10(1)(h)).

A person may apply for the Canada recovery sickness benefit for any week falling between 27 September 2020 and 25 September 2021, provided that the application is made within 60 days of the end of the week to which the benefit applies (section 11).

The weekly amount for the Canada recovery sickness benefit is \$500 (section 15). The benefit is payable to a person for a maximum of two weeks, but the Governor in Council may establish another maximum number of weeks by regulation (section 16).

2.2.3 Canada Recovery Caregiving Benefit

Part 3 of the CRBA introduces the Canada recovery caregiving benefit.

Individuals are eligible for this benefit for any week falling between 27 September 2020 and 25 September 2021 if they

- have a valid social insurance number (section 17(1)(a));
- are at least 15 years of age (section 17(1)(b));
- are residents and were present in Canada during the week for which they are applying (section 17(1)(c));
- have earned at least \$5,000 in 2019, in 2020, or in the 12 months preceding their application, from employment, self-employment, EI or provincial benefits for pregnancy or the care of one or more newborn or adopted children, or any other source of income prescribed by regulation (sections 17(1)(d) and 17(1)(e));
- during the week for which they are applying, were unable to work for at least 50% of their scheduled work week because they had to care for a child under 12 years of age (section 17(1)(f)(i)) or a family member¹¹ requiring supervised care (section 17(1)(f)(ii)) for the following reasons:
 - the school, care facility or day program the child or family member normally attends was, for reasons related to COVID-19, closed, had a reduced schedule, or was unavailable (sections 17(1)(f)(i)(A) and 17(1)(f)(ii)(A)),
 - the child or family member could not attend their school, care facility or day program because they contracted or might have contracted COVID-19, were advised to self-isolate or, in the opinion of a medical practitioner or nurse practitioner, would be at risk of serious health complications if they contracted COVID-19 (sections 17(1)(f)(i)(B) and 17(1)(f)(ii)(B)), or
 - the regular care services provided to the child or family member were unavailable for reasons related to COVID-19 (sections 17(1)(f)(i)(C) and 17(1)(f)(ii)(C));
- in relation to the week for which they are applying for the Canada recovery caregiving benefit, have not applied for or received EI benefits, the Canada recovery benefit, the Canada recovery sickness benefit, benefits paid under a provincial plan because of pregnancy or the need to care for a newborn or newly

- adopted child, or any other income prescribed by regulation (section 17(1)(g)); and
- in relation to the week for which they are applying for the Canada recovery caregiving benefit, have not been granted paid leave or been paid under a plan that provides payment for the care or support of another person (section 17(1)(h)).

A person may apply for the Canada recovery caregiving benefit for any week falling between 27 September 2020 and 25 September 2021, provided that the application is made within 60 days of the end of the week to which the benefit applies (section 18).

The weekly amount for the Canada recovery caregiving benefit is \$500 (section 22). The benefit is payable to a person – and to members of the person’s household – for a maximum of 26 weeks, but the Governor in Council may establish another maximum number of weeks by regulation (sections 23(1), 23(2) and 23(4)). If two or more persons reside in the same household, only one of them will be paid the benefit for a given week (section 23(3)).

2.2.4 Attestation

Individuals applying for the Canada recovery benefit, the Canada recovery sickness benefit, or the Canada recovery caregiving benefit must attest in their application that they meet the eligibility conditions of the benefit for which they are applying. However, applicants who attest that they have already received a benefit under the CRBA are not required to attest to their income to confirm that they have earned the required \$5,000 (sections 5, 12 and 19).

2.2.5 General

Part 4 of the CRBA provides further detail about the administration of the benefits offered under the Act, including on matters of erroneous payment or overpayment, non-compliance and debt repayment.

2.2.5.1 Regulations Prescribing Income Sources

Section 24 of the CRBA allows the Governor in Council to make regulations prescribing other sources of income to be considered when calculating whether a person meets the income threshold to be eligible for a benefit under the CRBA.

The Governor in Council may also make regulations prescribing additional sources of income that, if payable to the person during the period for which they are applying for a benefit, would make them ineligible.

2.2.5.2 Enforcement

Sections 6, 13 and 20 (Parts 1 to 3 of the CRBA) state that applicants to the Canada recovery benefit, Canada recovery sickness benefit or Canada recovery caregiving benefit must provide the Minister with any information that is required related to their application.

Section 25 of the CRBA authorizes the Minister to collect and use applicants' social insurance numbers for the purposes of administration and enforcement of the CRBA.

Note that under the ITA, disclosure of a person's information for enforcement and other purposes may also be allowed. Section 43 (under Part 5 of the CRBA) amends section 241(4)(d) of the ITA to indicate that a person's information may be disclosed to certain officials under certain circumstances.

2.2.5.3 Certain Restricted Actions

Section 27 of the CRBA clarifies that benefits under the CRBA are not subject to bankruptcy or insolvency laws; cannot be assigned, charged, attached or given as security; cannot be retained by way of deduction, set-off or compensation under any Act of Parliament other than the CRBA; and are not garnishable moneys for the purposes of the *Family Orders and Agreements Enforcement Assistance Act*.

2.2.5.4 Erroneous Payment or Overpayment

Section 28 requires that, in the case of erroneous payment or overpayment of a benefit under the CRBA, the person repay the amount as soon as is feasible. The amount constitutes a debt to Her Majesty and is payable to, and recoverable by, the Minister. The money owed may also be garnished from the indebted person's financial institution or employer (section 29).

Section 30(1) of the CRBA allows the Minister to reconsider an application for benefits under the CRBA for up to 36 months after the benefits have been paid (or, if the Minister suspects a false or misleading statement has been made in an application, 72 months (section 30(5))). If the person received money to which they were not entitled, this constitutes an erroneous payment or overpayment and the person must repay the amount (section 30(3)). If the person did not receive money to which they were entitled, then the amount is payable to the person (section 30(4)).

Pursuant to section 34(2) of the CRBA, no interest is payable on debt that is the result of erroneous payment or overpayment – including the debt owed by a financial institution or employer that has been served a notice – or on debt that is the result of a penalty for a violation.

2.2.5.5 Request for Review

Section 31 of the CRBA allows a person (or a financial institution or employer that received a garnishment notice) to request a review of the Minister's decision within 30 days (or any further time as allowed by the Minister) of the date they are notified of the decision. If a request is made, the Minister must review the decision and either confirm, vary or rescind it.

2.2.5.6 Recovery of Debt

As set out in section 32 of the CRBA, the amount of debt a person owes under the CRBA can be certified by the Minister. The certificate's registration in Federal Court is equivalent to a Federal Court judgment for the amount specified in the certificate plus related registration costs.

Section 33(2) states that money owed under the CRBA can be recovered at any time through deduction from, set-off against, or compensation against any sum of money payable to the person by Her Majesty, including a benefit under the CRBA, but excluding deemed overpayments for the purposes of the Canada child benefit.¹²

Any action or proceeding to recover the debt must take place within six years of the day on which the money became payable (section 33(1)), subject to conditions related to acknowledgement of liability (sections 33(3) and 33(5)) and limitation and prescription periods (sections 33(4) and 33(6)). However, the section does not apply in cases of action or proceedings related to the execution, renewal or enforcement of a judgment (section 33(7)).

2.2.5.7 Violations

Section 35 provides information on violations under the CRBA.¹³ A person has committed a violation if they have

- knowingly made a false or misleading representation in relation to their application for a CRBA benefit (section 35(1)(a)); or
- made an application for a CRBA benefit and received the benefit knowing they were not eligible to receive it (section 35(1)(b)).

The Minister may impose a penalty of up to 50% of the benefit that would have been received as a result of the violation, to a maximum of \$5,000 (sections 35(2) to 35(5)). Pursuant to section 38 of the CRBA, a penalty constitutes a debt due to Her Majesty. It is payable to, and recoverable by, the Minister as of the date the penalty is imposed.

However, section 36 of the CRBA clarifies that this penalty should not be imposed if a prosecution for the act that would constitute the violation has already been instituted against the person, or more than three years have passed since the violation took place.

Further, section 37 of the CRBA states that the Minister may rescind or reduce the penalty if new facts are presented, or if the Minister believes the penalty was imposed without knowledge of – or based on a mistake about – a certain fact.

2.2.5.8 Offences

Section 39 sets out offences under the CRBA. A person has committed an offence if they

- knowingly use false identity information or another person's identity information to obtain a CRBA benefit (section 39(1)(a));¹⁴
- counsel another person to apply for a CRBA benefit with the intent to steal some or all of it (section 39(1)(b)); or
- knowingly make three or more false or misleading representations relating to a CRBA benefit, if the total amount that was or would have been paid under these applications is at least \$5,000 (section 39(1)(c)).

Individuals will not be prosecuted for these offences if they have already been subject to a penalty for the same act under section 35 of the CRBA, which pertains to violations (section 39(3)). Per section 39(4) of the CRBA, those who have not already been prosecuted under that section and are guilty of the above offences are liable on summary conviction to one or both of the following punishments:

- a fine of up to \$5,000, plus up to double the amount of the benefit that would have been received as a result of committing the offence; and/or
- imprisonment for up to six months.

To enforce this, the Minister may designate any person or class of persons as an investigator and may also authorize the Commissioner of Revenue to designate as an investigator any employee or class of employees at the Canada Revenue Agency (sections 40(1) and 40(2)). Proceedings for an offence under the CRBA must be instituted within five years of the day the Minister becomes aware of the subject matter of the prosecution (section 40(3)).

2.2.5.9 Consolidated Revenue Fund

Section 41 of the CRBA states that until 31 March 2024, money required by the Minister or by the Canada Revenue Agency to administer and enforce the CRBA may be paid out of the Consolidated Revenue Fund.

2.3 PART 2: AMENDMENTS TO THE *CANADA LABOUR CODE* AND OTHER ACTS
(CLAUSES 3 TO 9)

2.3.1 Leave Related to COVID-19
(Clause 3)

Under section 239.01(1) of the CLC, employees in a federally regulated workplace are entitled to an unpaid leave of absence from employment if they are unable to work for reasons related to COVID-19. Although originally fixed at 16 weeks under section 239.01(1) of the CLC, at the time of the introduction of Bill C-4, this leave was available for 28 weeks in accordance with now repealed section 33.1 of the *Canada Labour Standards Regulations*. The leave related to COVID-19 was introduced through the *COVID-19 Emergency Response Act* and came into force on 25 March 2020.

Clause 3 of Bill C-4 amends and renumbers section 239.01(1) of the CLC to modify the reasons for which an employee is entitled to take the leave related to COVID-19, along with the number of weeks of leave an employee may take for each of those reasons.¹⁵ While on leave, employees may have access to income support payments made under the CRBA.

Specifically, under the amended provisions and similar to the criteria for the Canada recovery sickness benefit, employees are entitled to up to two weeks of leave related to COVID-19, or to another number of weeks if fixed by regulation, if they are unable to work for any of the following reasons:

- they contracted or might have contracted COVID-19 (new section 239.01(1)(a)(i));
- they are, in the opinion of a medical practitioner, nurse practitioner or other authority, more susceptible to COVID-19 due to an underlying condition, ongoing treatment, or other sickness (new section 239.01(1)(a)(ii));¹⁶ or
- they have been advised to isolate themselves for reasons related to COVID-19 (new section 239.01(1)(a)(iii)).

Similar to the criteria for the Canada recovery caregiving benefit, employees are entitled to up to 26 weeks of leave related to COVID-19, or to another number of weeks if fixed by regulation, if they are unable to work because they must care for a child who is under 12 years of age (new section 239.01(1)(b)(i)) or a family member requiring supervised care (new section 239.01(1)(b)(ii)), for any of the following reasons:

- the school, care facility or day program the child or family member normally attends is, for reasons related to COVID-19, closed, has a reduced schedule, or is unavailable to them (new sections 239.01(1)(b)(i)(A) and 239.01(1)(b)(ii)(A));

- the child or family member cannot attend their school, care facility or day program because they contracted or might have contracted COVID-19, have been advised to self-isolate or, in the opinion of a medical practitioner or nurse practitioner, would be at risk of serious health complications if they contracted COVID-19 (new sections 239.01(1)(b)(i)(B)(I) to 239.01(1)(b)(i)(B)(III) and 239.01(1)(b)(ii)(B)(I) to 239.01(1)(b)(ii)(B)(III)); or
- the regular care services provided to the child or family member are not available for reasons related to COVID-19 (new sections 239.01(1)(b)(i)(C) and 239.01(1)(b)(ii)(C)).

The term “family member” is defined in this context as including “anyone whom the person considers to be like a close relative or who considers the person to be like a close relative.”¹⁷

Clause 3 of Bill C-4 further provides that the aggregate amount of leave that may be taken under new section 239.01(1)(b) by an employee, or by two or more employees residing in the same household, is not to exceed 26 weeks, or another number of weeks if prescribed. Employees residing in the same household, however, are not allowed to take this leave simultaneously. Any leave related to COVID-19 that was taken by an employee previously does not count towards the new 26-week entitlement.

The leave related to COVID-19, as amended by the bill, may be taken in one or more periods, but the employer reserves the right to require that each period be of at least one day’s duration.

2.3.2 Regulations Regarding Medical Certificate Requirements (Clauses 4 and 9(3))

Clause 4 of the bill amends section 264(1) of the CLC to expand the regulation-making powers of the Governor in Council under Part III of the CLC. Under the new provision, the Governor in Council may make regulations providing that any requirements or conditions regarding certificates issued by a health care practitioner (including those that relate to certain leaves of absence) do not apply, and providing for alternative requirements and conditions (new section 264(1)(j.5)). This provision is in place until 25 September 2021, in accordance with clause 9(3) of the bill.

2.3.3 Coordinating Amendments (Clause 8)

Clause 8 of Bill C-4 makes coordinating amendments regarding the leave related to COVID-19. Specifically, clause 8(1) stipulates that if the bill receives Royal Assent on 1 October 2020, provisions amending the leave related to COVID-19 and related amendments are deemed to have produced their effects or to have come into force prior to this date.

However, if the bill receives Royal Assent after 1 October 2020, clause 8(2) stipulates that clauses 3, 5 to 7, 9(1) and 9(2) are deemed never to have come into force and are repealed. The bill is then amended by adding the following:

- Among other things, amendments to various provisions of Part III of the CLC to reflect the fact that the medical leave of absence as a result of quarantine will now coexist with the leave related to COVID-19 until the repeal of the latter. The medical leave of absence as a result of quarantine, which is available for up to 16 weeks, was enacted by the *COVID-19 Emergency Response Act* and is in force as of 1 October 2020. This leave was scheduled to come into force concurrent with the repeal of the leave related to COVID-19 as set out under that Act.
- Division XIII.01 of the CLC, which sets out the leave related to COVID-19, is modified to include amendments to the CLC from clause 3 of Bill C-4, discussed above. Related amendments to other provisions of Part III of the CLC are also included. The leave related to COVID-19 is extended beyond its repeal date in the *COVID-19 Emergency Response Act*, effective 2 October 2020. This leave is in place until 25 September 2021.

As Bill C-4 received Royal Assent on 2 October 2020, clause 8(2) applies.

2.4 PART 3: AMENDMENTS TO THE *PUBLIC HEALTH EVENTS OF NATIONAL CONCERN PAYMENTS ACT* (CLAUSE 10)

Part 3 of the *COVID-19 Emergency Response Act*, which received Royal Assent on 25 March 2020, enacted the *Public Health Events of National Concern Payments Act* (PHENCPA).¹⁸

Section 2(1) of the PHENCPA provides that if, after consulting with the Chief Public Health Officer and provincial and territorial officers occupying a similar position, the Minister of Health determines that there is a public health event of national concern, the federal government may make payments of all money required to do anything in relation to that event.

The provisions of the *COVID-19 Emergency Response Act* repeal the PHENCPA as of 30 September 2020.

If Bill C-4 receives Royal Assent before 30 September 2020, clause 10 would replace section 2 of the PHENCPA. Under the new section, a federal minister, with the concurrence of the Minister of Finance and Minister of Health no later than 30 September 2020, may requisition all money required to do anything in relation to the measures specified in the schedule to the bill in respect of COVID-19.

Section 3 of the PHENCPA would limit payments made under section 2 to the amounts specified for each measure in the schedule to Bill C-4, entitled “Payment Limits.”

Clause 11 of Bill C-4 would add the schedule after section 3 of the PHENCPA.

Clause 12 would amend section 11 of the *COVID-19 Emergency Response Act* to change the date of repeal of the PHENCPA to 31 December 2020.

If Bill C-4 receives Royal Assent on 30 September 2020, under clause 13(1), section 12 of Bill C-4 would be deemed to have come into force before section 10 of the *COVID-19 Emergency Response Act*, which repeals the PHENCPA as of 30 September 2020.

If Bill C-4 receives Royal Assent after 30 September 2020, under clause 13(2), it will enact a new PHENCPA, incorporating the amendments noted above. The new PHENCPA will come into force or be deemed to have come into force on 1 October 2020.

As Bill C-4 received Royal Assent on 2 October 2020, clause 13(2) applies.

NOTES

1. [Bill C-4, An Act relating to certain measures in response to COVID-19](#), 2nd Session, 43rd Parliament (S.C. 2020, c. 12).
2. [Bill C-2, An Act relating to economic recovery in response to COVID-19](#), 2nd Session, 43rd Parliament.
3. Employment and Social Development Canada, "[Supporting Canadians through the next phase of the economy re-opening: Increased access to EI and recovery benefits](#)," Backgrounder. See also [Canada Emergency Response Benefit Act](#), S.C. 2020, c. 5, s. 8; and [Bill C-13, An Act respecting certain measures in response to COVID-19](#), 1st Session, 43rd Parliament (S.C. 2020, c. 5).
4. While no regulations have been released under the Canada Recovery Benefits Act (CRBA) at the time of writing, the Canada Revenue Agency specifies income sources that a person must not have applied for or received in order to be eligible for the Canada Recovery Benefit. Beyond the sources of income outlined under sections 3(1)(g) and 3(1)(h) of the CRBA, other sources of income that applicants must not have applied for or received include workers' compensation benefits and short-term disability benefits. See Government of Canada, "[Who can apply](#)," *Canada Recovery Benefit (CRB)*.
5. Pursuant to section 3(3) of the CRBA, an individual has not placed undue restrictions on their availability for work if, during the two-week period, they participated in a course or program of instruction or training to which they were referred by a provincial government or body.
6. In the *Employment Insurance Act* [EIA], regular benefits refer to unemployment benefits (discussed in Part I of the EIA) and benefits for self-employed persons engaged in fishing (discussed in Part VIII of the EIA). Regular benefits do not include special benefits (such as maternity or parental benefits), work-sharing benefits, or benefits for individuals participating in certain training programs or employment activities. See [EIA](#), S.C. 1996, c. 23, s. 2(1).
7. The benefit period is the period during which benefits may be paid to claimants who qualify to receive them. Generally, this is a 52-week period. This does not mean that benefits will be paid every week, but rather that the benefits for which the claimant qualifies must be paid during this period. See [EIA](#), ss. 9 and 10(2).
8. The *Income Tax Act* [ITA] provides different balance-due days for trusts, corporations, individuals who died after October in the taxation year and before May in the following taxation year, and other individuals. The balance-due day for individuals who did not die during the taxation year or before May of the following taxation year is 30 April in the following taxation year. See [ITA](#), R.S.C. 1985, c. 1 (5th Supp.), s. 248(1).
9. See [Income Tax Regulations](#), C.R.C., c. 945.
10. Section 10(1)(f)(ii) of the CRBA was not originally in Bill C-2.

11. Per section 17(3) of the CRBA, “family member” refers to anyone whom the applicant considers to be like a close relative, or who considers the applicant to be like a close relative.
12. ITA, s. 122.61(1).
13. A violation refers to a contravention of section 35 of the CRBA that results in an administrative monetary penalty (section 35(6) explicitly states that the purpose of such penalty “is to promote compliance with this Act and not to punish”). An offence, which refers to a contravention of section 39 of the CRBA, has a different proceeding scheme (usually provided in the *Criminal Code*) and may result in more serious consequences, including imprisonment. [Guindon v. Canada](#), 2015 SCC 41, paras. 41–73.
14. This refers to “identity information” as defined in the *Criminal Code* – specifically,
any information – including biological or physiological information – of a type that is commonly used alone or in combination with other information to identify or purport to identify an individual, including a fingerprint, voice print, retina image, iris image, DNA profile, name, address, date of birth, written signature, electronic signature, digital signature, user name, credit card number, debit card number, financial institution account number, passport number, Social Insurance Number, health insurance number, driver’s licence number or password.

See [Criminal Code](#), R.S.C. 1985, c. C-46, s. 402.1.
15. Clause 6 of the bill repeals section 33.1 of the *Canada Labour Standards Regulations*, the provision setting out the number of weeks of leave related to COVID-19 that an employee is entitled to, other than under the *Canada Labour Code* [CLC]. Clause 7 repeals the regulations that amended the *Canada Labour Standards Regulations* to add section 33.1.
16. The text provided under section 239.01(1)(a)(ii) of the CLC was not originally in Bill C-2.
17. This definition is identical to the definition of “family member” that applies in relation to the Canada recovery caregiving benefit under section 17(3) of the new CRBA. However, it is to be contrasted to the definition of “family member” that applies to other CLC leaves (as defined under the *Employment Insurance Regulations*), which specifically lists the individuals that constitute a family member under the legislation. See [CLC](#), R.S.C. 1985, c. L-2, ss. 206.3(1) and 206.4(1); and [Employment Insurance Regulations](#), SOR/96-332, s. 1(3).
18. [COVID-19 Emergency Response Act](#), S.C. 2020, c. 5, s. 9.