



# What's New in HR Law

## Ontario Government Restricts Long-Term Care and Retirement Home Workers to Working at One Healthcare Facility

April 17, 2020

On April 14 and April 17, 2020, the Ontario Government issued two Orders ([O. Reg. 146/20](#), and [O. Reg. 158/20](#)) under the *Emergency Management and Civil Protection Act* barring long-term care and retirement home employees from working at more than one facility.

### Which Employers are Covered by the Orders?

The Government's April 14th Order applies to long-term care facilities that are licensed under Ontario's *Long-Term Care Homes Act, 2007*. This includes any facilities that are operated by a municipality/board of management and facilities.

The Government's April 17th Order applies to retirement homes that are licensed under the *Retirement Homes Act, 2010*.

This update is for general discussion purposes and does not constitute legal advice or an opinion.

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## Requirements

All employees of a long-term care provider or retirement home who are also employed by another long-term care provider, retirement home, or other healthcare provider must provide notice to each of their employers. This obligation is based on the identity of the employer and not whether the employee's job duties require them to work inside any such facility. The following types of healthcare provider will trigger an employee's obligation to provide notice:

- Hospitals;
- Psychiatric facilities that are not part of a prison, penitentiary or correctional institution;
- Community health centres and health service providers;
- Community mental health and addiction services;
- Family health teams;
- Nursing clinics;
- Aboriginal health access centres;
- Primary care nursing services, maternal care or inter-professional primary care programs and services;
- Hospices and other palliative care services;
- Clinic-based physiotherapy providers; and
- Independent health facilities.

Long-term care home employees must provide notice by no later than 5pm on April 17, while employees of retirement homes are required to provide notice by no later than 9am on April 20. Employees are not required to provide notice of a second job that is not for a long-term care provider, retirement home or healthcare provider.

Beginning on April 22, 2020, any employee who performs work in a long-term care home or a retirement home will be prohibited from performing work in any other home owned or operated by the same employer *or in any capacity* for any other long-term care provider, retirement home or healthcare provider. The Orders protect those other job positions and employers cannot dismiss an employee based on the fact that they are exclusively performing work for a different employer under the Orders. The Orders do not prevent employees from continuing to work for other types of employers.

Long-term care providers and retirement homes are required to ensure their employees comply with the work restrictions under the Orders. They must also post a copy of the April 14th or April 17th Order, as the case may be, in a conspicuous and easily accessible location in their workplace.

## Future Updates

Our firm continues to closely monitor the developments surrounding the COVID-19 outbreak and whether similar redeployment and information collection powers will be granted to other employers in the broader healthcare sector. We will continue to provide further information as it becomes available.

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## Need more information?

For more information regarding workplace management during the COVID-19 outbreak, contact [James Jennings](#) at 416-408-5503, or your regular lawyer at the firm.



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