



What's New in HR Law

Emergency Order Regarding Redeployment of Workforces in Mental Health and Addictions Agencies

April 24, 2020

On April 22, 2020, the Ontario Government introduced a new Order providing flexibility to mental health and addictions agencies to take reasonably necessary actions related to workforce deployment and staffing in order to respond to the COVID-19 pandemic.

Temporary Redeployment and Staffing Measures

Ontario Regulation 163/20 was declared pursuant to section 7.0.1 of *the Emergency Management and Civil Protection Act* and applies for the duration of the declared emergency due to COVID-19. The Order applies to every mental health and addictions agency which is defined as a non-profit entity that provides community mental health and addiction services, and receives funding from the Ministry of Health or from a Local Health Integration Network.

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

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The Order allows for mental health and addiction agencies to identify their staffing priorities based on the individual needs of their agency and take reasonably necessary measures in order to respond to, prevent, or lessen the impact of COVID-19 on their operations, patients, clients, and workforce.

Specifically, mental health and addiction agencies are authorized, despite any other statute, regulation, order, policy, arrangement or agreement, including a collective agreement to:

- Redeploy staff within different locations in, or between facilities of, a mental health and addictions agency;
- Change the assignment of work, including assigning non-bargaining unit employees or contractors to perform bargaining unit work;
- Change the scheduling of work or shift assignments;
- Defer or cancel vacations, absences or other leaves, regardless of whether such vacations, absences or leaves are established by statute, regulation, agreement or otherwise;
- Employ extra part-time or temporary staff or contractors, including for the purposes of performing bargaining unit work;
- Use volunteers to perform work, including to perform bargaining unit work;
- Provide appropriate training or education as needed to staff and volunteers to achieve the purposes of a redeployment plan; and
- Suspend, for the duration of the emergency, any grievance process with respect to any matter referred to in the Order.

The Order also provides municipalities with increased rights to collect information from staff, contractors and volunteers, including the right to:

- Conduct skills and experience inventories of staff to identify possible alternative roles in priority areas;
- Require and collect information from staff, contractors or volunteers about their availability to provide services for the mental health and addictions agency; and
- Require and collect information from staff, contractors or volunteers about their likely or actual exposure to COVID-19, or about any other health conditions that may affect their ability to provide services.

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.

Need more information?

For more information regarding workplace management during the COVID-19 outbreak, contact [Cassandra da Costa](#) at 519-435-6009, or your regular lawyer at the firm.



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