



# What's New in HR Law

## Emergency Order Regarding Redeployment and Staffing of Residential and Crisis Line Service Providers

April 17, 2020

### COVID-19 Update

On April 15, 2020, the Ontario Government passed an [emergency order](#) regarding residential and crisis line service providers that enables such providers to implement any reasonably necessary measure regarding work deployment and staffing required to combat the COVID-19 outbreak.

### Temporary Redeployment and Staffing Measures

Ontario Regulation 145/20 was passed pursuant to the *Emergency Management and Civil Protection Act*, and applies for the duration of the declared emergency regarding the COVID-19

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

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outbreak. The emergency order applies to service agencies funded by the Ministry of Children, Community and Social Services, and which provide:

- residential or emergency residential services under the Violence Against Women Support Services program or the Anti-Human Trafficking Community Supports program, or
- provincial crisis line services under the Violence Against Women Support Services program.

The emergency order explicitly states that affected service providers may undertake any reasonably necessary measure to respond to, prevent and alleviate the outbreak of COVID-19. The work redeployment and staffing measures may be administered in respect of staff, contractors and volunteers who provide any of the service agency's Ministry-funded services.

Without limiting the broad application of the order, affected service providers are explicitly authorized to undertake the following actions despite any other statute, regulation, order, policy, arrangement or agreement (including a collective agreement):

- Identify staffing priorities and develop, modify and implement redeployment plans, including the following:
  - Redeploying staff within different locations in (or between) premises where a service agency provides services and supports, including premises at which the service agency has been contracted or designated to provide services on a temporary basis in response to the declared emergency.
  - Changing the assignment of work, including assigning non-bargaining unit employees or contractors to perform bargaining unit work.
  - Changing the scheduling of work or shift assignments.
  - Deferring or cancelling vacations, absences or other leaves, regardless of whether such vacations, absences or leaves are established by statute, regulation, agreement or otherwise.
  - Employing extra full-time, part-time or temporary staff or contractors, including for the purposes of performing bargaining unit work.
  - Using volunteers to perform work, including to perform bargaining unit work.
  - Providing appropriate training or education as needed to staff and volunteers to achieve the purposes of a redeployment plan.
- Conduct any skills and experience inventories of staff to identify possible alternative roles in any area.
- Require and collect information from staff or contractors about their availability to provide services for the service agency.
- Require and collect information from staff or contractors about their likely or actual exposure to the Virus, or about any other health conditions that may affect their ability to provide services and supports.
- Suspend, for the duration of this Order, any grievance process with respect to any matter referred to in this Order.

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The emergency order also states that “a service agency may implement redeployment plans without complying with provisions of a collective agreement, including lay-off, seniority/service or bumping provisions”.

While the emergency order provides additional flexibility regarding staffing and work deployment, service providers must continue to comply with any applicable order or directive issued under the *Health Protection and Promotion Act*, as well as any obligations under the *Employment Standards Act, 2000*.

Service providers are well advised to seek legal advice in conjunction with the development and implementation of a redeployment plan.

## Future Updates

Our firm continues to closely monitor the developments surrounding the novel coronavirus (COVID-19) outbreak and will continue to provide further updates as new information becomes available.

## Need more information?

For more information regarding workplace management amidst the novel coronavirus (COVID-19) outbreak, contact [Derek Klatt](#) at 416-408-5506, or your regular lawyer at the firm.



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