



What's New in HR Law

UPDATE Emergency Care for Children of Health Care, Frontline and Essential Services Workers

April 21, 2020

Bottom Line

Since our last update on April 6, 2020, the provincial government of Ontario has released an order further amending the *Order Under Subsection 7.0.2(4) of the Act – Closure of Establishments* (the “Order”), which expands the list of workers who are eligible for emergency child care.

Child care centres cannot have more than 50 people in one location at a time, which includes children, employees, parents and guardians.

Eligible Employees

The Order now specifies the following workers are eligible for emergency child care:

- regulated and unregulated health care providers;

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- individuals who work for manufacturers of pharmaceutical products and medical supplies;
- police officers as defined in the *Police Services Act* (the “PSA”), members of police forces other than police officers as defined in the *PSA* and First Nations Constables appointed pursuant to section 54 of the *PSA*;
- firefighters, individuals providing fire protection services and individuals employed in fire departments as defined in section 1 of the *Fire Protection and Prevention Act, 1997*, and individuals employed in the Office of the Fire Marshall and whose duties include being a fire investigator or supervising or managing fire investigators;
- paramedics as defined in the *Ambulance Act*;
- coroners as defined in the *Coroners Act*;
- workers in correctional institutions as defined in the *Ministry of Correctional Services Act* (the “MCSA”) and independent contractors who supply services to correctional institutions, including, but not limited to, employees of Tricor;
- probation and parole officers as described in the *MCSA*, including institutional liaison officers, court liaison officers, assistant area managers, area managers of staff at probation and parole offices, and the administrative and support staff at these offices;
- individuals employed in the Institutional Services Division of the Ministry of the Solicitor General, including a person employed in a correctional institution as defined in section 1 of the *MCSA*;
- employees of Compass Group Canada Ltd. who work at or provides services in relation to the Cook Chill Food Production Centre;
- individuals employed in the Ministry of the Solicitor General who perform electronic monitoring services, CPIC searches and/or prepare community supervision orders for the Institutional Services Division or Community Services Division;
- individuals employed by the Ministry of the Solicitor General at the Centre of Forensic Sciences who is involved in supporting and conducting forensic testing and analysis, at the Provincial Pathology Unit;
- individuals employed by the Ministry of the Solicitor General at the Provincial Forensic Pathology Unit;
- individuals employed at the Provincial Emergency Operations Centre or at the Ministry of the Solicitor General’s Emergency Operations Centres;
- animal welfare inspectors appointed pursuant to the *Provincial Animal Welfare Services Act, 2019*;
- individuals employed in the operation of a place of secure custody designated under the *Young Offenders Act (Canada)*, whether in accordance with section 88 of the *Youth Criminal Justice Act (Canada)* or otherwise, or a place of secure temporary detention as defined in the *Child, Youth and Family Services Act, 2017* (“CYFSA”);
- individuals employed in the Direct Operated Facilities Branch of the Ministry of Children, Community and Social Services;
- individuals, other than foster parents, who deliver or directly support the delivery of residential care, treatment and supervisor to children and young persons residing in residential settings licensed under the *CYFSA*;

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- individuals employed by a children’s aid society designated under section 34 of the *CYFSA* to provide services necessary for the performance of a children’s aid society’s functions;
- individuals employed by a service agency as defined in section 1 of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* to provide services and supports to adults with developmental disabilities;
- individuals engaged in the delivery of services funded by the Ministry of Children, Community and Social Services under the Violence Against Women Support Services or the Anti-Human Trafficking Community Supports programs;
- individuals who perform work that is essential to the delivery of core services in a municipality or First Nation community, as determined by that municipality or First Nation;
- individuals who perform work of a critical nature in their service area or community, as determined by the Minister of Education or his delegate in consultation with the relevant service system manager or First Nation;
- individuals who work in a child care centre authorized to operate under the Order;
- individuals engaged in the delivery of frontline victim services funded by the Ministry of the Attorney General under the Ontario Victim Services program or Indigenous Justice Division program;
- individuals who perform work that is essential to the operation of: a municipal drinking water system; a non-municipal year-round residential system; or, a wastewater treatment facility or a wastewater collection facility;
- individuals who are employed by the Independent Electricity System Operator or a generator, transmitter or distributor within the meaning of the *Electricity Act, 1998* to carry out work that is deemed by the entity to be critical to the ongoing generation, transmission, distribution and storage of electricity sufficient to meet the demands of the province of Ontario;
- individuals working in a homeless shelter or providing services to homeless persons;
- members, officers and special constables appointed under the *Royal Canadian Mounted Police Act* who are working in Ontario;
- officers as defined in the *Customs Act (Canada)* who are working in Ontario; and
- employees of the Canada Post Corporation who are working in Ontario.

Existing Child Care Centres

The provincial government is maintaining a list of emergency child care centres, which can be accessed [here](#). Communities throughout Ontario that have already reopened emergency child care centres include:

- Durham
- Niagara
- Hamilton
- Peterborough

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- Ottawa
- County of Prescott-Russell
- County of Renfrew
- United County of Leeds and Grenville
- Cornwall
- Kingston
- Prince Edward, Lennox and Addington
- Lanark County
- County of Northumberland
- County of Hastings
- Timiskaming
- York Region
- Toronto
- Simcoe
- Halton
- Waterloo
- Windsor
- London
- Parry Sound
- Nipissing
- Wellington
- Peel
- Kenora
- Lambton
- Brantford
- County of Dufferin
- Sault Ste. Marie
- Sudbury

Need more information?

For more information regarding workplace management during the COVID-19 outbreak, contact [Madeline Davis](#) at 416-408-5528, or your regular lawyer at the firm.



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