

# **Emergency Order Facilitates Staffing and Work Deployment for Service Agencies Providing Violence Against Women Residential Services and Crisis Line Services**

**Date :** April 22, 2020

On April 14, 2020, the Ontario Government declared the province-wide state of emergency would continue for a further 28 days, until at least May 12, 2020. With the expanded powers afforded to it under the *Emergency Management and Civil Protection Act* (the “EMCPA”), the Ontario Government filed an Order on April 14, 2020 which allows service agencies providing certain services to women that are victims of violence to take any reasonably necessary measure with respect to work deployment and staffing to respond to, prevent or alleviate the COVID-19 outbreak. A copy of the Order (Ontario Regulation 145/20) can be viewed [here](#).

The Order applies to service agencies funded by the Ministry of Children, Community and Social Services (the “MCCSS”) that deliver:

- 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.

## **Facilitating Staffing and Work Deployment Measures by Employers**

The Order provides service agencies with a broad authority to do the following, despite any existing statute, regulation, order, policy, arrangement or agreement (including a collective agreement) which might provide otherwise:

- 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.
  - 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 COVID-19, or about any other health conditions that may affect their ability to provide services and supports.
- Suspend, for the duration of the Order, any grievance process with respect to any matter referred to in the Order.

The work redeployment and staffing measures may be taken with respect to staff, contractors and volunteers who provide, for a service agency, any services funded by the MCCSS. A service agency may implement redeployment plans without complying with provisions of a collective agreement, including lay-off, seniority/service or bumping provisions.

Despite the Order, however, service agencies are still obligated to comply with any order or directive issued under the *Health Protection and Promotion Act* as it relates to a service agency.

## **In Our View**

The Order is similar in nature to those issued previously for various health care providers and the developmental service sector. The broad staffing and redeployment authority outlined in the Order grants these service agencies the ability to allocate and prioritize staffing resources as needed during the outbreak. In addition to these measures, the Canadian government announced as part of its COVID-19 Economic Response Plan up to \$50 million in funding to women's shelters and sexual assault centers, including in Indigenous communities, to help with their capacity to manage or prevent an outbreak. It is hoped that the combined actions of the provincial and federal governments will help provide practical assistance and support to women and children who find themselves fleeing violence during this time of crisis.

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