

Emergency Order Providing Work Restrictions on Congregate Care Settings Takes Effect Thursday, April 30, 2020

Date : April 29, 2020

On April 24, 2020, as part of the Ontario government's enhanced action plan, an emergency order was passed by the Ontario legislature – [Ontario Regulation 177/20](#) – which limits employees working in congregate care setting residences to working for one agency in the same sector commencing at 12:01 a.m. on Thursday, April 30, 2020, even where doing so might not be in compliance with the provisions of a collective agreement.

Application of the Order

The Order applies to a “congregate care setting service agency” (CCSSA), which is defined so as to mean a service agency or transfer payment recipient in the following sectors:

- **Development services sector:** Service agencies as defined under the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*, that provide:
 - Residential services and supports to adults with developmental disabilities who reside in supported group living residences or intensive support residences, as defined in that Act, or
 - Specialized residential accommodation pursuant to an agreement with the Ministry of Children, Community and Social Services, other than specialized accommodation services that support residential living outside of group living arrangements operated by the service agency;
- **Violence against women/anti-human trafficking sector:** Transfer payment recipients funded by the Ministry of Children, Community and Social Services that provide residential or emergency residential services under the Violence Against Women Support Services program or the Anti-Human Trafficking Community Supports Program; and
- **Intervenor sector:** Transfer payment recipients funded by the Ministry of Children, Community and Social Services that provide intervenor services for persons who are deafblind in a residential setting.

Limits on Work Locations

Any person who performs work as a staff member of a CCSSA who also performs work as a staff member of any other CCSSA was required by 9:00 a.m. Monday, April 27, 2020 to inform each agency that they are subject to this Order.

Beginning at 12:01 a.m. on Thursday, April 30, 2020, a staff member of a CCSSA who performs work in a residence operated by the CCSSA is prohibited from performing work as a staff member of a different CCSSA in the same sector in a residence operated by a different agency.

Along with the requirement for subject staff members to self-report, CCSSAs are also required to ensure that beginning at 12:01 a.m. on Thursday, April 30, 2020, any employee who performs work in a residence they operate is not also performing work in another CCSSA in the same sector.

Where there is an outbreak of COVID-19 in a residence operated by a CCSSA, the Order requires the CCSSA to:

- Report to the local medical officer of health; and
- Ensure that any staff members who are determined to be exposed to the virus at the residence may be scheduled to work only at that residence until such time as the outbreak is over.

An occurrence of an outbreak, whether a staff member has been exposed, and whether an outbreak is over is determined in accordance with the advice, recommendations and instructions of public health officials.

CCSSAs are required to post a copy of the Order in a conspicuous and easily accessible location in each of the residences that they operate. The Order will remain in effect for the duration of the declared emergency.

In Our View

Though the Ontario government passed earlier emergency orders on staffing and work deployment measures applicable to the developmental service sector ([see our previous Focus alert](#)) and to service agencies providing certain services to women that are victims of violence ([see our previous Focus alert](#)) which currently remain in effect until May 6, 2020, the Order announced on April 24, 2020 is expressly intended to supersede the earlier provisions of these former Orders in case of any conflict.

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