

Ontario Temporarily Limiting Work to a Single Retirement Home

Date : April 22, 2020

As the elderly, chronically ill and immunocompromised continue to face increased risk in relation to COVID-19, the Ontario government has been taking extraordinary steps to protect these vulnerable populations in certain settings. On April 16th and in furtherance of its efforts, much like it had done in the long-term care home sector just days earlier, the Ontario legislature passed an emergency order (the “Order”) under the *Emergency Management and Civil Protection Act* (the “EMCPA”) relating to staffing in retirement homes.

Specifically, the Order – which is contained in [Ontario Regulation 158/20](#) – temporarily limits a worker to working in a single retirement home commencing at 12:01 a.m. on Wednesday, April 22, 2020, even where doing so might not be in compliance with the provisions of a collective agreement. Though the Ontario government passed an [earlier emergency order on staffing and work deployment measures in retirement homes](#) which currently remains in effect until May 6, 2020, the Order announced last week is expressly intended to supersede the earlier provisions in case of any conflict.

The Order applies to any person who performs work as an employee of a licensee permitted to operate a retirement home under the *Retirement Homes Act, 2010*, including municipalities and boards of management that maintain long-term care homes. However, the Order and related obligations apply only to the extent that the person also performs work for another retirement home or health service provider. For the purposes of the Order, the term “health service provider” includes, for example, most hospitals, psychiatric facilities, long-term care homes, physiotherapy services, not-for-profit community health centres, not-for-profit community mental health and addiction services, not-for-profit family health teams, not-for-profit nurse practitioner-led clinics, not-for-profit Aboriginal health access centres and not-for-profit palliative care services, amongst others.

Any person who performs work as an employee at a retirement home and who also performs work as an employee of any other retirement home or health service provider was required by no later than 9:00 a.m. on Monday, April, 2020 to inform each of their employers that they are subject to the Order. Along with the requirement for subject workers to self-report, licensees are also required to ensure that beginning at 12:01 am on Wednesday, April 22, 2020, any employee who performs work in a retirement home they operate is not also performing work in another retirement home (including another retirement home operated by the licensee), or as an employee of any other health service provider.

Licensees operating a retirement home are required to post a copy of the Order in a conspicuous

and easily accessible location in each of the homes that they operate. Unless it is extended, the Order will be revoked on May 6, 2020.

In Our View

Those working and living in retirement homes continue to experience a troubling and uncertain time, just as do those in long-term care homes and other health care establishments. With staffing restrictions in place as of this week, it is hoped that all affected will benefit from the newly announced measures contained in the Order.

For further information or advice on your rights and obligations as an employer when dealing with COVID-19 and similar issues, please contact [Vicky Satta](tel:613-940-2753) at [613-940-2753](tel:613-940-2753), [Porter Heffernan](tel:613-940-2764) at [613-940-2764](tel:613-940-2764), [André Champagne](tel:613-940-2735) at [613-940-2735](tel:613-940-2735), [Lynn Harnden](tel:613-940-2731) at [613-940-2731](tel:613-940-2731), [Raquel Chisholm](tel:613-940-2755) at [613-940-2755](tel:613-940-2755) or [J.D. Sharp](tel:613-940-2739) at [613-940-2739](tel:613-940-2739)