



Ontario Government Makes Emergency Order for Staffing and Redeployment for Health Service Providers Due to COVID-19

March 25, 2020

On March 17, 2020, the Ontario Government **declared an emergency** under the *Emergency Management and Civil Protection Act* (the “Act”) as a result of the COVID-19 outbreak. On March 21, the Government filed a further Order under the *Act* providing certain health service providers with broad authority to address staffing and work deployment needs relating to COVID-19.

Application of the Order

The Order applies province-wide to the following health service providers:

- Public hospitals under the *Public Hospitals Act*;
- Private hospitals under the *Private Hospitals Act*;
- Psychiatric facilities under the *Mental Health Act*, except facilities that are correctional institutions, prisons or penitentiaries; and
- The University of Ottawa Heart Institute.

The Order allows these health service providers to take any reasonably necessary work deployment or staffing measure to respond to, prevent and alleviate the COVID-19 outbreak for patients.

Staffing and Redeployment Measures

The Order authorizes health service providers to take the actions outlined below despite any other statute, regulation, order, policy, arrangement, or agreement, including a collective agreement:

1. Identify staffing priorities and develop, modify and implement redeployment plans, including the actions outlined below. Health service providers are authorized to implement redeployment plans without complying with provisions of a collective agreement, including lay-off, seniority/service or bumping provisions

- Redeploying staff within different locations in (or between) facilities of the health service provider
- Redeploying staff to work in COVID-19 Assessment Centres



- 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 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
2. Conduct any skills and experience inventories of staff to identify possible alternative roles in priority areas
 3. Require and collect information from staff or contractors about their availability to provide services for the health service provider
 4. Require the provision of 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
 5. Cancel or postpone services that are not related to responding to, preventing or alleviating the outbreak of COVID-19
 6. Suspend, for the duration of the Order, any grievance process with respect to any matter referred to in the Order

Duration of the Order

The Order lasts for 14 days, unless revoked sooner or extended under the *Act*.

In Our View

The health care system is preparing for the potential effects of the COVID-19 outbreak, including a significant surge in cases requiring medical care and hospitalization as seen in other countries. The broad staffing and redeployment authority outlined in the Order grants health service providers with the flexibility to allocate and prioritize staffing resources as needed during the outbreak. The provisions regarding information collection will help health service providers to ensure the protection of the health and safety of patients and staff during the outbreak, and to plan for the efficient



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allocation of staffing resources. The authority outlined in the Order will be of critical importance to help health service providers remain as responsive as possible during the outbreak.

The Ontario government also announced on March 22, 2020 it will exempt certain child care centres from the order to close all licensed child care centres pursuant to the previously declared state of emergency in order to provide support to health care and frontline workers during the COVID-19 outbreak (including doctors, nurses, paramedics, firefighters, police and correctional officers)

For further information, please contact [Porter Heffernan](#) at [613-940-2764](#), [André Champagne](#) at [613-940-2735](#), [Lynn Harnden](#) at [613-940-2731](#), [Vicky Satta](#) at [613-940-2753](#), [Raquel Chisholm](#) at [613-940-2755](#) or [J.D. Sharp](#) at [613-940-2739](#).