



Novel Coronavirus (COVID-19)

Employment & Labour

April 2020

Emergency Measures in Retirement Homes

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Following up on other recent Orders that were applicable to hospitals and long-term care facilities, the Government has now issued an Order that is also applicable to retirement homes. The Order was made under the *Emergency Management and Civil Protection Act* and permits retirement homes, with respect to work deployment and staffing, to take “any reasonably necessary measure to respond to, prevent and alleviate the outbreak” of COVID-19 in a retirement home.

Specifically, a retirement home can:

- Change the assignment of work, which can include assigning non-bargaining unit employees or contractors to perform bargaining unit work
- Change scheduling or shift assignments
- Defer or cancel vacations, absences or other leaves (regardless of whether such vacations, absences or leaves are established by statute, regulation, agreement or otherwise)
- Employ extra part time staff (or temporary staff / contractors) or use volunteers to perform work, including for the purpose of performing bargaining unit work
- Suspend for the duration of the emergency, certain legislative screening measures (including police record checks if other screening measures are adequate)

Retirement Homes can implement these strategies despite any statute or collective agreement. Indeed, the Order is very clear that a retirement home “may implement redeployment plans without complying with the provisions of a collective agreement, including seniority/service or bumping provisions.”

The purpose behind the Order is clear. Retirement homes must have the flexibility to schedule or redeploy staff as necessary to assist in maintaining its essential services and in fighting the spread of COVID-19. In this regard, retirement homes are obliged to immediately report an outbreak of COVID-19 to the local medical officer of health.

Notably, any grievance related to a matter covered under the Order is deemed suspended for the duration of the emergency.

As the COVID-19 outbreak intensifies in Ontario, it is possible that the Government may issue similar Orders for other essential workplaces. We will continue to update our clients with respect to new developments as they emerge. To read our previous articles on long-term care, [click here](#).

In the meantime, please reach out to us if you have any questions.

If you have any questions about COVID-19 and your workplace, or any other human resource law issue, please contact a member of our team. For more information about dealing with COVID-19, please visit our [COVID-19 Resource Center](#).

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