

April 12, 2020

**RHRA Guidance on the Emergency Order under the
Emergency Management and Civil Protection Act O. Reg
140/20**

Order	RHRA Guidance
<p>Section 1 Application</p> <p>1. This order applies to health service providers within the meaning of paragraphs 1, 2 and 3 of the definition of “health service provider” in subsection 1 (2) of the <i>Connecting Care Act, 2019</i>.</p>	<p>This order also applies to retirement home licensees, see Section 4.</p>
<p>Section 1</p> <p>2. In this Order, “care service” has the same meaning as in the <i>Retirement Homes Act, 2010</i> (“service en matière de soins”)</p> <p>“licensee” has the same meaning as in the <i>Retirement Homes Act, 2010</i>; (“titulaire de permis”)</p> <p>“retirement home” has the same meaning as in the <i>Retirement Homes Act, 2010</i>. (“maison de retraite”)</p>	<p>No guidance necessary.</p>
<p>Section 2 Application</p> <p>This order applies in circumstances where a health service provider and the licensee of a retirement home have, in response to the emergency, entered into an agreement or any other arrangement to have the retirement home provide alternative space, accommodation or care services to patients of the health service provider, or former patients of the health service provider who were discharged during the emergency, on a temporary, short-term basis.</p>	<p>Any time the retirement home is responsible for care services, the retirement home is subject to the <i>Retirement Homes Act, 2010</i> with respect to the provision of care services.</p>

<p>Section 3 Non-application of certain provisions (1) In the circumstance describe in section 2, the following rules apply for the duration of this Order:</p>	
<p>1. The agreement or arrangement described in section 2 shall not impact whether the health service provider or the retirement home are considered to be a hospital for the purpose of the <i>Hospital Labour Disputes Arbitration Act</i>.</p>	<p>To the extent that licensees are concerned with their legal obligation with respect to employees, licensees are encouraged to seek labour and employment advice.</p>
<p>2. The agreement of arrangement described in section 2 shall not impact whether the health service provider and the licensee of the retirement home are treated as constituting one employer for the purpose of subsection 1 (4) of the <i>Labour Relations Act, 1995</i>.</p>	<p>To the extent that licensees are concerned with their legal obligation with respect to employees, licensees are encouraged to seek labour and employment advice.</p>
<p>3. The health service provider shall not, by virtue of the agreement or arrangement described in section 2, be considered to have sold part of its business to the licensee of the retirement home for the purpose of section 69 of the <i>Labour Relations Act, 1995</i>.</p>	<p>To the extent that licensees are concerned with their legal obligation with respect to employees, licensees are encouraged to seek labour and employment advice.</p>
<p>Section 3 (2) For greater certainty, paragraph 1 of subsection (1) does not, (a) Change the status of a retirement home under the <i>Hospital Labour Disputes Arbitration Act</i> that, (i) Was already a hospital for the purposes of that Act before the agreement or arrangement described in section 2 was made, or (ii) Would be considered to be a hospital under that Act for reasons that are unrelated to the agreement or arrangement described in section 2; or (b) Change the status of a health service provider under the <i>Hospital Labour Disputes Arbitration Act</i>, including with respect to any operations conducted by the health service provider at a retirement home by virtue of the agreement or arrangement described in section 2.</p>	<p>To the extent that licensees are concerned with their legal obligation with respect to employees, licensees are encouraged to seek labour and employment advice.</p>
<p>Section 4 No derogation from responsibilities Nothing in this Order derogates from a licensee’s responsibility under the <i>Retirement Homes Act, 2010</i> and other applicable legislation to ensure a safe and secure environment for residents.</p>	<p>Licensees are expected to adhere to their obligations under the RHA and follow the directives of the Chief Medical Officer of Health. Retirement homes are obligated to provide a safe and secure environment for their residents.</p> <p>Transitional care beds under the framework</p>

	outlined in the Ministry of Health/Long-Term Care's COVID-19 Guidance: Use of Hotels and Retirement Homes is an emergency measure and will have no effect on suite count.
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