

April 17, 2020

RHRA Guidance on Ontario Regulation 158/20 made under the Emergency Management and Civil Protection Act

Order	RHRA Guidance
<p>Section 1 Interpretation</p> <p>“health service provider” has the same meaning as in subsection 1 (2) of the <i>Connecting Care Act, 2019</i>, subject to section 2.</p> <p>“licensee” has the same meaning as in subsection 2 (1) of the Retirement Homes Act, 2010.</p> <p>“long-term care home” has the same meaning as in subsection 2 (1) of the Long-Term Care Homes Act, 2007.</p> <p>“retirement home” means a retirement home within the meaning of the Retirement Homes Act, 2010.</p>	<p>Please refer to the <i>Connecting Care Act, 2019</i> for a list of health service providers.</p>
<p>Section 2 Application, municipal long-term care homes</p> <p>This Order applies with respect to a health service provider within the meaning of paragraph 5 of subsection 1 (2) of the <i>Connecting Care Act, 2019</i> only in relation to long-term care homes the health service provider maintains</p>	<p>This Order applies to a municipality or board of management only in relation to the long-term care homes it maintains.</p>
<p>Section 3 Employee’s notice</p> <p>Section 3(1) Application</p>	<p>This section applies to any retirement home employee who also works as an employee of another licensee or for an applicable health service provider.</p>

<p>This section applies to any person who performs work as an employee of a licensee if the person also performs work as an employee of,</p> <ul style="list-style-type: none"> a. any other licensee; or b. a health service provider. 	
<p>Section 3(2)</p> <p>As soon as reasonably possible, and in any event no later than 9:00 a.m. on Monday, April 20, 2020, a person to whom this section applies shall inform each of the person's employers that the person is subject to this Order.</p>	<p>No guidance necessary.</p>
<p>Section 3(3)</p> <p>A person's obligation to inform employers only applies with respect to the person's employers that are licensees or health service providers.</p>	<p>No guidance necessary.</p>
<p>Section 4 Limit on Work Locations</p> <p>Beginning at 12:01 a.m. on Wednesday, April 22, 2020, an employee of a licensee who performs work in a retirement home shall not also perform work,</p> <ul style="list-style-type: none"> a. in another retirement home operated by the licensee; b. as an employee of another licensee; or c. as an employee of a health service provider. 	<p>Beginning at 12:01 a.m. on Wednesday April 22, 2020, a retirement home employee shall not also work in another retirement home, as an employee of another retirement home licensee or as an employee of an applicable health service provider.</p>
<p>Section 5 Effect of compliance</p> <p>For greater certainty,</p> <ul style="list-style-type: none"> a. subsection 7.02 (6) of the Act applies with respect to an employee to whom this Order applies; and b. an employee to whom this Order applies shall comply with sections 3 and 4 even if doing so would not be in compliance with the provisions of a collective agreement. 	<p>An employee to whom this Order applies cannot be terminated for complying with the Order.</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 6 (a), (b) Limiting of work locations, licensee</p> <p>Beginning at 12:01 a.m. on Wednesday April 22, 2020, a licensee shall ensure that any employee in a</p>	<p>Beginning at 12:01 a.m. on Wednesday April 22, 2020, all licensees shall ensure their employees do not work in any other retirement home, or for an applicable health service provider.</p>

<p>retirement home it operates is not also performing work,</p> <ul style="list-style-type: none"> a. in another retirement home, including another retirement home operated by the licensee, or b. as an employee of a health service provider. 	
<p>Section 7 Posting of order</p> <p>A licensee shall ensure that a copy of this Order is posted in each retirement home that the licensee operates in a conspicuous and easily accessible location in a manner that complies with the regulations made under the <i>Retirement Homes Act, 2010</i>.</p>	<p>No guidance necessary.</p>
<p>Section 8 Conflict</p> <p>In the event of a conflict between this Order and Ontario Regulation 118/20 (Order Under Subsection 7.0.2 (4) of the Act – Work Deployment Measures in Retirement Homes) made under the Act, this Order prevails.</p>	<p>Regardless of measures taken under O. Reg. 118/20, the prohibition against retirement home employees working in more than one location in retirement homes or for applicable health service providers as set out in this Order (O. Reg. 158/20) prevails.</p>