



Memorandum

Date: May 1, 2020
To: Members of the Board
From: William (Bill) Bradica, Chief Administrative Officer
Subject: **MCCSS Emergency Order – Work Re-Deployment and Staffing**

Attached is a copy of a memorandum received from Susan Erwin, ADM, Ministry of Children, Community and Social Services advising of the Emergency Order regarding Work-Redeployment and Staffing for District Social Services Boards.

As per the memorandum, the “Board must approve the exercise of authority under this order, which includes the ability for DSSABs to redeploy certain staff within the same employer or use volunteers to perform bargaining unit work, cancel leaves and change assignment of work, for those priority services listed in the order.”

In the event that Administration is required to redeploy staff, the following resolution is recommended for consideration:

“THAT, the province of Ontario has enacted under the Emergency Management and Civil Protection Act, Ontario Regulation 154/20 under Subsection 7.02(4) of the Act – Work Deployment Measures for District Social Services Administration Boards;

AND THAT The District of Thunder Bay Social Services Administration Board (the Board) authorizes the Chief Administrative Officer to redeploy staff as set out under O. Reg 154/20.”

Sincerely,

William (Bill) Bradica
Chief Administrative Officer

WB/gf



**THE DISTRICT OF THUNDER BAY
SOCIAL SERVICES ADMINISTRATION BOARD**

- c. Shari MacKenzie, Acting Manager Human Resources
Ken Ranta, Director – Integrated Social Services Division
Georgina Daniels, Director – Corporate Services Division

Attachment #1 Memorandum from Susan Erwin, ADM, MCCSS
#2 Emergency Order – Work Re-Deployment and Staffing - DSSAB

**Ministry of Children,
Community and Social
Services**

**Ministère des Services à
l'enfance et des Services
sociaux et communautaires**



Assistant Deputy Minister
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April 17, 2020

RE: Emergency Order—Work Redeployment and Staffing

Dear District Social Services Administration Board CAOs,

As you are aware, on March 17, 2020, the government declared a provincial emergency pursuant to the authority granted under the *Emergency Management and Civil Protection Act* (EMCPA). I am writing now, to inform you that on April 16, 2020, the government issued an emergency order under the EMCPA (O. Reg. 154/20) to provide District Social Services Administration Boards (DSSABs) with flexibility to deploy certain of their staff to where they are needed most at this critical time. The order is effective immediately and will likely remain in effect for the duration of the provincial emergency.

I know that these are challenging times for DSSABs, particularly as the situation around us changes so quickly. The government has heard a clear message from DSSABs and municipal sector organizations that the authority to enable work deployment similar to that which has been provided by the Province for hospitals and public health units is urgently needed to ensure continuity of critical services.

This order is a temporary measure and provides your DSSAB with authority and flexibility like that just granted to municipalities under a separate order – the authority to take any reasonable measure necessary to respond to COVID-19 with respect to internal work deployment. I want to stress, however, that at this critical period in the emergency response, it is important that DSSABs continue to work collaboratively and engage in good faith with their bargaining agents.

Your Board must approve the exercise of authority under this order, which includes the ability for DSSABs to redeploy certain staff within the same employer or use volunteers to perform bargaining unit work, cancel leaves and change assignment of work, for those priority services listed in the order. This order does not apply to individuals

normally employed by the DSSAB in the operation of ambulance services under the *Ambulance Act*.

The order also specifies conditions under which the authority can be exercised. This includes requiring a DSSAB to provide at least 24 hours of advance notice to affected bargaining units before implementing a redeployment plan. The *Occupational Health and Safety Act* and existing rights under the *Employment Standards Act* will continue to apply.

As employers, DSSABs continue to be required to comply with all provincial orders, as well as any guidance and safety standards prescribed by the province for COVID-19. They are also responsible for ensuring that any staff being reassigned to new duties have the required training and skills. Full details of the orders can be reviewed online at [Ontario.ca/alert](https://www.ontario.ca/alert).

The ministry recognizes that many DSSABs have already taken steps to engage in good faith with their bargaining agents to keep their staff employed and safe; and to establish local arrangements to redeploy employees to high-needs areas. Please continue such efforts with your bargaining agents, beyond the notification requirements set out in the order. We would also encourage you, where possible, to use your existing authorities as employers and build on existing mechanisms with your bargaining agent partners, such as joint health and safety committees, to address staffing needs and allocate resources.

As you, your Boards and your management teams consider whether and how you will exercise the authority under the emergency order, I would ask that you maintain the following important objectives:

- In making staffing decisions, first provide opportunity for full-time work to existing part-time staff before seeking out and employing extra full-time staff from outside your organization.
- In redeploying staff, should there be a difference in the terms and conditions of work, in the different departments of the organization, the expectation is that staff will not receive a lower wage than their home position.

DSSABs are encouraged to review this and other applicable orders (available on the Government's Emergency Information webpage at: [Ontario.ca/alert](https://www.ontario.ca/alert)) and work with their legal counsel for advice and understanding of the flexibility it provides to you in managing your organizations.

If your DSSAB chooses to implement the authority in these orders, I would ask that you keep my team informed by letting your local Regional Office know when you use it. If

your DSSAB has any further questions regarding this order, please contact: Laura Belfie, Director, Social Assistance Program Policy Branch at: (647) 204-7948 or Laura.Belfie@ontario.ca.

Thank you for your support and collaboration in these unprecedented circumstances.

Sincerely,

Original Signed by

Susan Erwin
Assistant Deputy Minister

c: DSSAB Chairs
Janet Menard, Deputy Minister of Children, Community and Social Services
Jonathan Lebi, Assistant Deputy Minister, Municipal Affairs and Housing
Josh Paul, Assistant Deputy Minister, Housing
Alison Blair, Assistant Deputy Minister, Hospitals and Emergency Services
Shannon Fuller, Assistant Deputy Minister, Strategic Policy and Planning, Education
Laura Belfie, Director, Social Assistance Program Policy
Janet Gawne, Chair, Northern Ontario Service Deliverers Association
Brian Rosborough, Executive Director, Association of Municipalities of Ontario

Français

Emergency Management and Civil Protection Act

ONTARIO REGULATION 154/20

ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - WORK DEPLOYMENT MEASURES FOR DISTRICT SOCIAL SERVICES ADMINISTRATION BOARDS

Note: This Order is revoked on May 6, 2020, unless it is extended. (See s. 7.0.8 of the Act and O. Reg. 106/20, Sched. 1)

Consolidation Period: From April 16, 2020 to the [e-Laws currency date](#).

No amendments.

This is the English version of a bilingual regulation.

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the “Act”) and has been extended pursuant to section 7.0.7 of the Act;

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

Now Therefore, this Order is made pursuant to subsection 7.0.2 (4) of the Act, in particular paragraphs 8, 9, 10, 12 and 14 of that subsection, the terms of which are set out in Schedule 1;

And Further, this Order applies generally throughout Ontario;

And Further, this Order shall be in effect for the duration of the declared emergency, subject to section 7.0.8 of the Act.

SCHEDULE 1

Interpretation

1. In this Schedule,

“district social services administration board” means a district social services administration board established under section 3 of the *District Social Services Administration Boards Act*.

Application

2. This Schedule applies to every district social services administration board.

Exclusion

3. This Schedule does not apply with respect to persons normally employed by the district social services administration board in the operation of ambulance services within the meaning of the *Ambulance Act*, including paramedics within the meaning of that Act.

Work redeployment and staffing

4. (1) Subject to the board’s approval, a district social services administration board is authorized to take, with respect to work deployment and staffing of the board, any reasonably necessary measure to respond to, prevent and alleviate the outbreak of the coronavirus (COVID-19) (“the Virus”) so as to prevent, reduce or mitigate the effect of the Virus on critical services that are delivered by its employees.

(2) The critical services referred to in subsection (1) are,

(a) the operation of homeless shelters and the provision of services to homeless persons;

(b) the provision of assistance under the *Ontario Works Act, 1997*; and

(c) the administration, operation and funding of child care programs and services under the *Child Care and Early Years Act, 2014*.

Measures

5. Without limiting the generality of section 4, and despite any other statute, regulation, order, policy, arrangement or agreement, including a collective agreement, district social services administration boards are authorized to do the following:

1. Identify staffing priorities and develop, modify and implement redeployment plans for the board, including the following:

i. Redeploying staff to different workplaces operated by the board.

- ii. Changing the assignment of work, including assigning non-bargaining unit employees or contractors to perform bargaining unit work.
 - iii. Changing the scheduling of work or shift assignments.
 - iv. Deferring or cancelling vacations, absences or other leaves, regardless of whether such vacations, absences or leaves are established by statute, regulation, agreement or otherwise.
 - v. Employing extra part-time or temporary staff or contractors, including for the purposes of performing bargaining unit work.
 - vi. Using volunteers to perform work, including to perform bargaining unit work.
 - vii. 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, contractors or volunteers about their availability to provide services for the board.
 4. Require and collect information from staff, contractors or volunteers about their likely or actual exposure to the Virus, or about any other health conditions that may affect their ability to provide services.
 5. Suspend, for the duration of this Order, any grievance process with respect to any matter referred to in this Order.

Redeployment plans

6. For greater certainty, a district social services administration board may implement redeployment plans without complying with provisions of a collective agreement, including lay-off, seniority/service or bumping provisions.

Notice to bargaining agents

7. A district social services administration board shall provide at least 24 hours notice to bargaining agents that represent any affected bargaining units before implementing a redeployment plan described in paragraph 1 of section 5.

Français

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