

Considerations and Action Plan for when the Single Employer Order is Rescinded

Sector Pandemic Planning Initiative (SPPI)

July 15, 2021

Overview:

On April 24, 2020, an [Emergency Order was issued under the Emergency Management and Civil Protection Act regarding single-employer restrictions for congregate care settings](#) (O.Reg. 177/20)(referred to here as “the Order”). The Order is likely to be rescinded in the coming days. DS agencies may wish to create their own action plan based on relevant considerations for their agency needs. The following are some suggested action steps and considerations.

What's Your Policy?

Even if the Order is rescinded, agencies may wish to continue to restrict high risk secondary employment activities for employees, or at the very least those employees who are not fully vaccinated. Employers have a duty and the authority under the Occupational Health and Safety Act and under O. Reg. 121/20 to take any measure reasonably necessary to prevent, respond to and alleviate the outbreak of Covid-19. This may include restricting employees from working in more than one location within your organization and potentially restricting employees who are not immune to Covid-19 from working on other high risk employment settings outside of your agency (such as Long Term Care etc.).

Once you've determined what your policy will be, communicate this policy to active employees who may be eager to resume secondary employment elsewhere and to employees who are currently on leave and may wish to resume secondary employment with your organization.

Planning for Staff to Return to Work

When you reach out to staff who are currently on a leave of absence related to the Order to find out their intent or interest regarding returning to work.

- Ask about when they wish to return to work, so that the organization can plan around this
- Provide instructions on what the next steps are if they are ready to return to work, including notice period before returning (for example, “Contact your supervisor at least 2 weeks in advance of when you wish to return to work”)

- Advise staff on updated policies/procedures/protocols that impact the work location that they must abide by
- Advise staff of the agency's negative COVID-19 PCR Test result requirement prior to returning to work (for example, an agency may require a negative test if a staff has been absent for over 4 weeks)
- Advise staff of the agency's COVID-19 Vaccination Policy and what is required from them prior to returning to work to ensure compliance with the agency's policy
- Provide availability forms (or whatever is relevant for the agency) for staff to identify their availability to work shifts
- Review work location schedules and how/what shifts to re-integrate the staff back; include any relevant training before staff are expected to provide direct care to individuals
- Orientation back into location – explain any new cleaning or screening protocols, etc.
- Any other changes in the workforce – non-COVID related, for example, new clients, changes or updates to policies, procedures, changes to the Day program, movement of individuals to different facilities

Training Requirements

Review training requirements for the returning staff –what courses are outstanding?

- Review essential courses like: FA/CPR, Medication training, CPI, WHMIS and H&S
- Review COVID-19 protocols that have been introduced since they left the workforce – what training is needed to bring them up to speed?

Vaccination Status

- Vaccine status – are there different rules for fully vaccinated, single dose or non-vaccinated staff? Be sure to share with returning staff
- Review vaccination policy (as stated above), sign off and ensure staff are clear what compliance to the policy means to them

Work Location Risk Assessment

- For staff who are not fully vaccinated, assess the health and safety of the work location and how to mitigate risks if you intend to allow them to resume secondary employment with you while unvaccinated.

Union Dealings

- Are there any LOU or agreements (formal or not) with the union that would be impacted by the Order being rescinded? These should be reviewed and updated, if needed
- Communicate any updates with the union

Reference Resources

- One Employer Directive (O.Reg 177/20)
- Other impacted legislation i.e. O.Reg 121/20 (Congregate Settings)
- Ministry of Health, Long Term Care
- Public Health Ontario and Public Health Canada
- DS Sector Groups
- Internal - Union

Disclaimer

Legal input and feedback included in this policy were provided by [PooranLaw](#) lawyers as members/consultants of the Sector Pandemic Plan Initiative's Governance working group. However, the legal input and feedback included in this policy should not be construed as legal advice. Each agency's circumstances and legal rights may vary and there will also be nuances within each agency. The goal of the legal input and feedback included in this policy is to help present options and highlight risks and other considerations. Agencies may wish to seek legal advice once they have selected the options that meet the needs of their organization.