Township of Cramahe Council Information Package

Date: Thursday, August 6, 2020, 1:00 p.m.
Location: For Information Only

Pages

Council Information Package

1. Correspondence

1.a Ministry of the Solicitor General

O. Reg. 157/20: Work Deployment Measures for Municipalities

2
July 24, 2020

MEMORANDUM TO: Municipal CAOs

SUBJECT: Proclamation of the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020

Thank you to all municipal enforcement personnel for your support to date in enforcing emergency orders under the provincial Emergency Management and Civil Protection Act (EMCPA) and helping to keep communities safe and healthy during these unprecedented times.

As you may be aware, on July 21, 2020, the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (“ROA”) received Royal Assent. The ROA has been proclaimed into force today, July 24, 2020, to coincide with the ending of the declared provincial emergency.

The ROA gives the Ontario government the necessary flexibility to address the ongoing risks and effects of the COVID-19 outbreak once the declared provincial emergency under the EMCPA ends. It provides that:

- Emergency orders in effect under the EMCPA as of July 24 are continued under the ROA for an initial 30 days.
- The Lieutenant Governor in Council may further extend these orders under the ROA for up to 30 days at a time.
- The Lieutenant Governor in Council may amend certain orders continued under the ROA if the amendment relates to:
  - Labour redeployment or workplace and management rules;
  - Closure of places and spaces or regulation of how businesses and establishments can be open to provide goods or services in a safe manner;
  - Compliance with public health advice; or,
  - Rules related to gatherings and organized public events.

The ROA does not allow new orders to be created. Furthermore, the ability to extend and amend orders under the ROA is limited to one year, unless extended by the
legislature. The ROA mandates regular reporting by the government to the public and Legislative Assembly of Ontario to ensure oversight and transparency.

To review the legislation, you may visit: https://www.ontario.ca/laws/statute/20r17.

For further information including which orders have been continued under the ROA, who is designated to enforce orders continued under the ROA and offences and penalties, please review the attached set of supporting Questions and Answers for enforcement personnel.

I trust that this information is of assistance. Should enforcement personnel have any questions related to enforcement of orders continued under the ROA, they may reach out to EssentialWorkplacesSupport.SolGen@ontario.ca. Please note that this dedicated email address is only for enforcement personnel and should not be shared publicly.

Sincerely,

Richard Stubbings
Assistant Deputy Minister
Public Safety Division
April 16, 2020

Dear Head of Council:

As you know, on March 17, 2020, our government declared a provincial emergency pursuant to the authority granted under the Emergency Management and Civil Protection Act (EMCPA). I am writing to update you that on April 16, 2020, our government issued an emergency order under the EMCPA (O. Reg. 157/20) to provide municipalities with the flexibility to deploy certain of their staff to where they are needed most. At this critical time, it is important that municipalities continue to work collaboratively and engage in good faith with their bargaining agents. The order is effective immediately and we intend for it to remain in effect for the duration of the declared provincial emergency.

I know that these are challenging times for municipalities, particularly as the situation around us changes so quickly. In these unprecedented times, I have heard a strong and consistent message from municipalities and numerous sector organizations that the authority to enable work deployment similar to what has been provided by the Province for hospitals and public health units is urgently needed to ensure continuity of critical services.

I thank you for sharing these concerns. We have heard you and have worked quickly to issue this order. This order is a temporary measure and provides your municipality – as an employer – the authority to take any reasonable measure necessary to respond to COVID-19 with respect to internal work deployment.

In order to exercise this authority, if it hasn't already, the municipality will need to also declare an emergency under section 4 of the EMCPA concurrent with this order. The authority provided for in this order includes the ability for municipalities to redeploy certain of their staff within the same employer or to employ volunteers to perform bargaining unit work, cancel leaves and change assignment of work, for those priority services listed in the order.

The orders specify conditions under which the authority can be exercised. This includes requiring a municipality 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. Municipalities, as employers, are 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.

I want to acknowledge and applaud the proactive efforts that many municipalities have already taken 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-need areas. I would also encourage municipalities to continue leveraging their existing authorities as employers and building on pre-existing relationships and structures with your bargaining agent partners, such as joint health and safety committees, to address staffing needs and allocate resources.

Moreover, as you and others in your organization 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.

Municipalities are encouraged to review this and other applicable orders (available on the Government’s Emergency Information webpage at: 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 municipality chooses to implement the authority in these orders, I would ask that you keep my staff apprised by letting your local Municipal Services Office know when you use it. If your municipality has any further questions regarding this order, we encourage contacting your local Municipal Services Office.

I thank you for your continued support and collaboration in these challenging times. This collaborative relationship is critical at all times, and never more so than during this emergency.
Visit Ontario’s [website](https://www.ontario.ca/page/coronavirus) to learn more about how the province continues to protect Ontarians from COVID-19

Sincerely,

Steve Clark
Minister of Municipal Affairs and Housing

c: Chief Administrative Officers
   Municipal Clerks
   Kate Manson-Smith, Deputy Minister of Municipal Affairs and Housing
   Brian Rosborough, Executive Director, Association of Municipalities of Ontario
   Cam Guthrie, Chair, Large Urban Mayor's Caucus of Ontario
   Karen Redman, Chair, Mayors and Regional Chairs of Ontario
   Jane Albright, President, Ontario Municipal Human Resources Association