



COVID-19 UPDATE



April 4, 2020

Memo to Unifor retirement home workers regarding Ford Government's March 27 emergency order

This week, the Ontario Government was going to issue a temporary order in the fight against COVID-19 that would affect all retirement home workers, including Unifor members. This new order comes out following the previous release of similar orders for hospital and long-term care workers in March.

The temporary order allows retirement homes the ability to identify staffing priorities, and develop, modify and implement redeployment plans for the next 14 days.

This temporary order prevails over certain provisions of the collective agreement, but be assured your rights under the Occupational Health and Safety Act remain intact.

The order will allow retirement homes, if needed to respond to, prevent and alleviate an outbreak of COVID-19 by carrying out measures such as:

- Changing the assignment of work, including assigning non-bargaining unit employees or contractors to perform bargaining unit work;
- Changing the scheduling of work or shift assignments;
- Deferring or cancelling vacations, absences or other leaves, regardless of whether such vacations, absences or leaves are established by statute, regulation, agreement or otherwise;
- Employing extra part-time or temporary staff or contractors, including for the purpose of performing bargaining unit work;
- Using volunteers to perform work, including bargaining unit work;
- Suspending, for the duration of the emergency, the requirement to conduct screening measures required by section 64 of the Retirement Homes Act, including the requirement to conduct a police record check, if other screening measures that ensure the care and safety of residents are conducted before hiring staff and accepting volunteers to work in the retirement home; and
- Providing appropriate training or education as needed to staff and volunteers to achieve the purposes of a redeployment plan.

In addition to the above measures that may prevail over certain provisions of the collective agreement, the order will:

- Suspend, for the duration for the emergency, any grievance process with respect to any matter referred to in the order.
- Allow facilities to implement redeployment plans without complying to provisions in collective agreements related to seniority/service or bumping provisions.

As with the orders affecting hospitals and long-term care homes, Unifor's position is that employers should only enact these directives in response to a demonstrated need, that it should not be "open season" on the terms and conditions of our collective agreements and that changes in hours of work as it relates to child care needs be considered for workers.

Safety issues remain a concern around the potential increase of volunteers to perform work in retirement homes. This is an issue that will need to be continuously monitored.

The shortage of personal protective equipment (PPE) facing health care workers (including N95 masks, gowns, etc.) also remains a primary concern. The government has previously advised that they are looking to source additional PPEs from many other industries and sectors across the province, and are working with various manufacturers to produce PPEs in an expedited way.

While this order does override some provisions of your collective agreement, it is our position that it should only be enforced if absolutely necessary and there are no alternative solutions. Your grievance procedure, while temporarily suspended, is not eliminated and grievances should still be brought to the attention of your committee. The majority of the articles in the collective are still in effect and being utilized by the union. None more important than health and safety obligations to hold employers accountable in keeping workers safe.

This issue is at the forefront of the calls we have been having with the Province and Ontario Health. We have been abundantly clear to every level of government that protecting front-line workers must be a priority.

If you are concerned about the availability of or access to PPE in your workplace, please bring this to the attention of your joint occupational health and safety committee. If you have questions about if your employer is implementing the powers of this order appropriately, please notify your union committee.

Unifor will continue to provide updates as information becomes available at unifor.org/COVID19. Please sign up for the union's weekly newsletter at unifor.org/subscribe and download the Unifor mobile app on the Google Play store or the Apple App Store on your smartphone.