

**Ministry of Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17e étage
Toronto ON M7A 2J3
Tél.: 416 585-7000



234-2020-1284

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](https://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](https://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.

Head of Council
Page 3

Visit Ontario's [website](#) 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