

ALTERNATIVE WORK ASSIGNMENTS DIRECTIVE

SITUATION IN WHICH THIS DIRECTIVE APPLIES

This directive applies to situations in which staff request alternative work arrangements to those they have been assigned due to the operational needs of the Association and business continuity purposes (e.g., Pandemic). Community Living Toronto (CLTO) will implement reassignments (alternative work arrangements) for staff, including but not limited to those in day programs, early childhood, and other community-based employees for this purpose.

This directive is intended to provide guidance on the implementation of these measures to ensure consistency across the Association and to provide assistance with staff who are assigned alternative work arrangements that prove unsatisfactory, or who unreasonably seek same.

WHO SHOULD ACT ACCORDING TO THIS DIRECTIVE

- Supervisors
- Managers
- Regional Executive Directors/Directors
- Any staff with a direct report
- HR Business Partners

EXCLUSIONS

At this time, there are no exclusions.

DIRECTING PRINCIPLES

The following provisions will guide decision-making, in addition to those that may be situation specific and designed in response:

- Relevant provisions of the of the *Employment Standards Act*
- Relevant provisions of the *Occupational Health and Safety Act*
- Relevant provisions of the *Employment Standards Amendment Act (Infectious Disease Emergencies), 2020*
- Relevant provisions of the Collective Agreement (Article 4 – Management Rights)
- Situation specific:
 - “Four Guiding Principles” in addressing the COVID -19 Pandemic (established by Leadership Council)

PROCEDURE FOR INVESTIGATION AND RESPONSE TO DISPUTED ALTERNATIVE WORK ASSIGNMENT:

- Engage and fact find with the employee requesting alternate work arrangement/disputing the assigned alternative work arrangement – ensure proper notation and record keeping of fact-finding meeting.

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- Indicate to the reassigned employee that there is an expectation that they fill stand alone shifts and that they are required to work both day and evening shifts as well as weekend shifts as needed across the Association.
- In the case of an unsatisfactory alternative work assignment:
 - discuss the reason that the alternative work assignment is deemed unsatisfactory by the employee;
 - review with employee the current health and safety practices used across the Association (for example, in the event of a pandemic, the use of PPE's, training, and additional supports), and how these might be applicable to the alternative work assignment;
 - inform and educate the employee as to the reason for the reassignment and to dispel any misconceptions regarding the alternative work assignment (or the reasons thereof);
 - appeal to the employee's sense of responsibility towards the mandate of the Association and any applicable guiding principles in place;
 - set expectations of work requirements, and
 - explain to the employee that alternative work assignment complies with applicable legislation and the collective agreement.
- In the case of an alternative work assignment request:
 - discuss the employee's reason for the request;
 - review with employee the current health and safety practices used across the Association (for example, the use of PPE's, training and additional supports) and how these might be applicable to their current work assignment;
 - inform and educate the employee as to the reason for the reassignment and to dispel any misconceptions regarding the alternative work assignment (or the reasons thereof);
 - review the applicable legislation with employee (for example, whether the employee's request might be permissible under the ESA);
 - appeal to the employee's sense of responsibility towards the mandate of the Association and any applicable guiding principles in place; and
 - explain to the employee that, in absence of justification under applicable legislation or under relevant guiding principles as established and communicated by the Association, the alternative work assignment request cannot be granted;
- In the event that a resolution cannot be achieved in the above procedures for either work reassignment or alternative assignment request:
 - review the applicable legislation with employee (for example, whether the employee's request might be permissible under one of the leave of absence provisions the ESA);
 - Failing the above, grant the employee an unpaid leave of absence.

Related Documentation

Guiding Principles" in addressing the COVID -19 Pandemic (Under Users Manuals & Docs on SharePoint)

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