

<p>Long-Term Care Temporary Pandemic Pay Financial Policy</p>	<p>Original Publish Date</p>	<p>April 24, 2020</p>
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1.0 Introduction

On April 25, 2020, the Government of Ontario announced Temporary Pandemic Pay (PP) to support frontline staff, including Long-Term Care (LTC) clinical care and support staff, who are experiencing severe challenges in the workplace and are at heightened risk during the 2019 Novel Coronavirus (COVID-19) pandemic. Temporary PP measures consist of:

- **Pandemic hourly pay** of an additional \$4 per hour for all hours worked during a designated period, as defined below; and
- **Pandemic lump sum payments** of \$250 for each designated 4-week period, as defined below, for a total of up to \$1,000.

The LTC Temporary PP Funding Policy outlines the terms and conditions for the pandemic hourly pay and lump sum payments provided to LTC staff effective from April 24, 2020 up to and including August 13, 2020.

The goals of this Temporary PP are to provide additional support and relief to frontline staff, encourage staff to continue working and attract prospective employees and help maintain safe staffing levels and the operation of critical frontline services.

2.0 Eligibility Criteria

- 2.1 All non-management staff who are working on-site in an LTC home are eligible for Temporary PP, including clinical care staff and support staff (full-time, part-time and casual workers). Individuals employed in a management capacity are not eligible for Temporary PP. This includes individuals that are employed in a management capacity and are re-deployed to an otherwise eligible position.
- 2.2 Third party agency staff or other contracted staff who are hired by or otherwise work for a LTC home and are working on-site in a LTC home, but who are not a direct employee of the home, are eligible for Temporary PP, including clinical care staff and support staff.
- 2.3 Non-management staff employed by an employer that is ineligible for Temporary PP but who are redeployed to provide services on site in an LTC home in an eligible position are eligible for temporary PP.
- 2.4 Temporary PP is not payable to staff for any hours they worked to provide care services that were privately purchased.
- 2.5 All eligible staff will receive the same Temporary PP, regardless of their position and whether they provide clinical care to residents.

- 2.6 All eligible staff will receive Temporary PP, regardless of whether there is a COVID-19 outbreak in the LTC home that they work in.
- 2.7 Eligibility of staff providing care to residents in Elder Care Capital Assistance Program (EldCap) beds is determined by the hospital PP policy. EldCap beds are not eligible under this LTC funding policy.
- 2.8 At the request of the Ministry of Long-Term Care (MLTC), LTC home licensees are required to provide communications materials to eligible staff concerning Temporary PP.

3.0 Funding Methodology and Payment for Funding of Temporary Pandemic Pay

- 3.1 All eligible staff will receive:
 - Pandemic hourly pay of \$4 per hour worked from April 24, 2020 up to and including August 13, 2020. This pay is provided in addition to their existing hourly wages, regardless of how much that person is paid, in accordance with the terms and conditions of this policy.
 - Pandemic lump sum payments of \$250 for 100 hours or more worked during each of the following designated 4-week periods:
 - April 24, 2020 to May 21, 2020
 - May 22, 2020 to June 18, 2020
 - June 19, 2020 to July 16, 2020
 - July 17, 2020 to August 13, 2020
 - Eligible staff can receive a maximum total of up to \$1,000 in lump sum payments over the 16-week period, as outlined in the table below.
 - As applicable, Temporary PP will be retroactive commencing April 24, 2020.

Lump Sum Payment Period	Funding Amount	Cumulative Funding	Total number of weeks
April 24, 2020 to May 21, 2020	\$250	\$250	4
May 22, 2020 to June 18, 2020	\$250	\$500	8
June 19, 2020 to July 16, 2020	\$250	\$750	12
July 17, 2020 to August 13, 2020	\$250	\$1,000	16

- 3.2 To qualify for pandemic lump sum payments, eligible staff are required to work a total of at least 100 hours in each of the designated 4-week periods. Eligible staff may work their 100 hours or more with a single eligible employer or cumulatively with multiple eligible employers.
- 3.3 Where an individual works for multiple eligible employers for a combined total of 100 hours or more during a designated 4-week period, the individual must complete the *Temporary Pandemic Pay Attestation: Multiple Employers* form attached in Appendix 1. The individual should submit the form to the employer where they have worked the most hours during the designated 4-week period.

- 3.4 Pandemic lump sum payments will be paid out after each 4-week period outlined above.
- 3.5 Hourly PP will be administered in accordance with the *Employment Standards Act, 2000* and/or the applicable collective agreement(s).
- 3.6 Hourly PP and lump sum payment are subject to statutory deductions. The LTC home licensee's share of statutory entitlements and contributions will be funded by the MLTC, and applies as follows:
 - Statutory entitlements such as vacation pay; public holiday pay; overtime;
 - Employer contributions such as Canada Pension Plan; Employment Insurance; Employer Health Tax; and
 - Increases in an employer's WSIB insurable earnings due to PP.
- 3.7 No other employers' costs will be funded by the Temporary PP. Any Temporary PP funding spent on expenses not covered by this policy will be recovered by the Ministry.
- 3.8 Salary related benefits such as life insurance coverage and long-term income protection will not be impacted by the Temporary PP.
- 3.9 Temporary PP does not apply to time eligible staff are not in the workplace for any reason, including vacation, any authorized paid leave (including sick leave), and time and benefits awarded under the Workplace Safety and Insurance Act, 1997.
- 3.10 The Temporary PP does not impact pension (with the exception of CPP contributions), benefit plans paid by employers, or base salaries.
- 3.11 The Temporary PP will be calculated separately and distinctly from any other pay premiums (such as shift premiums) that frontline staff may be entitled to.
- 3.12 The Temporary PP will apply to overtime hours, and overtime hours worked will count as straight hours toward the 100-hour lump sum threshold. Hourly PP will be calculated in accordance with the *Employment Standards Act* and/or the applicable collective agreement. Each overtime hour worked may have an extra cost on top of the \$4 per hour depending on the collective agreement.
- 3.13 Eligible staff will receive the Temporary PP directly from their home employer.
- 3.14 Employers will make reasonable efforts to set out Temporary PP as a separate line item from other amounts paid to eligible staff in a pay stub or other document provided to eligible staff.
- 3.15 Where LTC licensees engage a third-party service provider that employs eligible staff to do eligible work for the LTC licensees, the Province will provide Temporary PP funds to the LTC licensees in respect of Temporary PP for those eligible staff. The LTC licensees shall subsequently disburse the funds to the third-party service provider under an agreement that requires the third-party service provider to:
 - Pay Temporary PP to each eligible staff that the third-party service provider employs in accordance with the Temporary PP calculations;

- Only use Temporary PP funds for the purposes of paying eligible staff. For greater clarity, Temporary PP funds may not be used for administrative costs or any other purpose for which funds are provided to the third-party service provider;
 - Commit in writing that the contracted staff is receiving the appropriate Temporary PP amounts as outlined in this policy.
 - Maintain records as outlined in section 4.5 below.
- 3.16 Staff, other than management staff, redeployed from other eligible workplaces (e.g. hospitals) or other Broader Public Sector organizations to work on site in an LTC home are eligible for Temporary PP. The Temporary PP for all eligible staff redeployed to LTC homes from other eligible workplaces or Broader Public Sector organizations will be paid by those organizations.
- 3.17 Staff, other than management staff, redeployed from an ineligible employer to work on site in an LTC home are eligible for Temporary PP. The Temporary PP of these staff will be paid by their home employer through an arrangement with the LTC home. The LTC licensees shall disburse the funds to the home employer under an agreement that requires the home employer to:
- Pay Temporary PP to each eligible staff that the third-party service provider employs in accordance with the Temporary PP calculations;
 - Only use Temporary PP funds for the purposes of paying eligible staff. For greater clarity, Temporary PP funds may not be used for administrative costs or any other purpose for which funds are provided to the third-party service provider;
 - Commit in writing that the contracted staff is receiving the appropriate Temporary PP amounts as outlined in this policy.
 - Maintain records as outlined in section 4.5 below.
- 3.18 LTC licensees will only use Temporary PP funds for the purposes of paying eligible staff and the costs incurred under statute or contract because of the payment of Temporary PP. For greater clarity, Temporary PP funds may not be used for administrative costs or any other purpose for which funds are provided to the LTC licensee.
- 3.19 Each LTC home licensee will receive an estimated allocation of \$996.29 per bed for each 4-week period, as described in section 3.1, to support the Temporary PP for eligible staff, including pandemic hourly pay, pandemic lump sum payment and applicable employer statutory entitlements and deductions.
- 3.20 For each LTC home with 96 beds or less, LTC home licensees will receive an additional allocation of up to \$10,000 for each 4-week period in the 16-week period.
- 3.21 LTC home licensees will receive two payment allocations based on the number of beds per home. Payments to LTC home licensees will be provided in two installments. The first estimated installment will equal 75% of the LTC home's total 16-week allocation and will be provided in June 2020 as an unscheduled payment. The second estimated instalment will be provided in the July 2020 scheduled

monthly payment and will equal the remaining balance (or 25% of the LTC home's total 16-week allocation).

4.0 Reporting Requirements and Accountability for Funding

- 4.1 LTC home licensees shall submit two reports (Mid-Term and Final Report) to the MLTC. The Mid-Term Report will cover two 4-week periods from April 24, 2020 up to and including June 18, 2020 and shall be submitted in July 2020. The final report will cover the two 4-week periods from June 19, 2020 up to and including August 13, 2020 and shall be submitted in September 2020. As part of report submissions LTC home licensees will be required to complete an attestation.
- 4.2 Mid-Term and Final Report submissions shall be made through the MLTC HSIMI portal. A memo will be posted on LTChomes.net regarding the release of the report and timelines.
- 4.3 The MLTC will, if necessary, adjust and/or recover the estimated allocation payments including statutory entitlements and deductions provided to LTC home licensees, based on the LTC home's mid-term and final report submission. Any adjustment to the payments made will occur subsequent to the submission and review of the Final Report.
- 4.4 All funding provided to LTC home licensees for the implementation of the Temporary PP will be reconciled through a separate line in Section I Part A of the LTCH Annual Report at the end of the applicable year, in accordance with the terms and conditions set out in this policy and the LTCH Annual Report Technical Instructions and Guidelines.
- 4.5 LTC home licensees shall create and maintain records that document:
 - Number of staff hours eligible for hourly PP, tracked per mid-term and final reporting periods;
 - Gross amount of hourly PP paid out to eligible staff;
 - Gross amount of PP lump sum paid out to eligible staff;
 - Amount of statutory contributions paid by employers as a result of providing PP to eligible staff;
 - Amount paid by the licensee to address statutory or collective agreement entitlements as a result of providing PP; and
 - Completed attestations for lump sum payments.

Appendix 1

Temporary Pandemic Pay Attestation: Multiple Employers

As part of the Government of Ontario's Temporary pandemic pay program, eligible frontline staff are eligible for an additional \$4 an hour on top of their regular wages. An additional lump sum payment may also be available. An individual is eligible for a lump sum payment of \$250 where they work in one or more eligible positions for 100 hours or more during one of the four designated four-week periods listed below:

- April 24, 2020 to May 21, 2020
- May 22, 2020 to June 18, 2020
- June 19, 2020 to July 16, 2020
- July 17, 2020 to August 13, 2020

Where an individual works for a single employer for more than 100 hours in a designated four-week period, they are not required to complete this attestation.

Where an individual works for multiple eligible employers for a combined total of 100 hours or more during a designated four-week period, they may demonstrate eligibility for lump sum temporary pandemic pay by completing this attestation. An individual providing this attestation should do so through the eligible employer that they worked the most with during the designated four-week period.

A complete attestation may contain personal information. The [Recipient] will keep copies of the attestations and may share them with the [Ministry and/or TBS] in order to verify eligibility for lump sum temporary pandemic pay and to ensure the effectiveness of the Government of Ontario's temporary pandemic pay initiative. If you have any questions about the [Ministry's] collection, use or disclosure of this information, please contact [contact details of individual]

Please review the attestation below. In order to complete it, fill in your full legal name, complete the table, including business contact information for each eligible employer, and sign the attestation [with a witness, such as your manager]. Please return the completed attestation to [manager/Recipient].

I, _____, attest that I have worked with the employers listed in the table below for a total of 100 hours or more during one of the four designated four-week periods. I confirm that I have not submitted another attestation in respect of the same eligibility period through another employer. I consent to the [Recipient] collecting, using and disclosing the information contain in this attestation, including disclosing the attestation in full or in part to the [Ministry and/or TBS], for the purposes of verifying my eligibility for temporary pandemic pay and monitoring the effectiveness and implementation of the Government of Ontario's temporary pandemic pay initiative.

Contact Person (Name, email address and phone number)				
Eligibility Period	Eligible Position	Eligible Workplaces	Hours Worked	TOTAL Hours Worked
April 24th to May 21st, 2020				
May 22nd to June 18th, 2020				
June 19th to July 16th, 2020				
July 17th to August 13th, 2020				

Signature:	Witness Signature:
Print Name:	Print Name:
Date:	Date: