

Temporary Pandemic Pay Guidance Document

Ministry of Health

June 2020

Ministry of Health Temporary Pandemic Pay Guidance Document

1.0 Introduction

- This document provides general guidance on Temporary Pandemic Pay (TPP) as administered by the Ministry of Health.
- The implementation and administration of TPP by the Ministry of Health will be administered in five main sectors:
 - Hospitals;
 - Home and Community Care Organizations;
 - Mental Health and Addictions Service Providers;
 - Emergency Management Services; and
 - Public Health.
- For the purpose of implementing TPP:
 - Employers should consult the terms and conditions set out in transfer payment agreements for any sector specific variances in implementation.
 - The content of this guide does not supersede the terms and conditions set out in any transfer payment agreement that provides TPP funding to a health sector entity. In the case of any differences, the transfer payment agreement prevails.

2.0 Overview

- Workers eligible for TPP will receive \$4/hour on top of existing wages (TPP Hourly Pay).
- If a worker eligible for TPP works at least 100 hours in a designated 4-week period, they will also be eligible to receive an additional lump sum payment of \$250 for that period (TPP Lump Sum Payments).

3.0 Eligibility for TPP

- TPP is designed to support eligible full-time, part-time and casual employees.
- TPP does not apply to management.
- To be eligible for TPP workers must meet the following criteria:
 - work in an eligible role (i.e. be an eligible worker)
 - work in an eligible workplace providing in-person, publicly funded services
 - physically attend and work at their workplace between April 24, 2020 and August 13, 2020.
- For the purposes of TPP eligibility:
 - an employer in an eligible workplace is an “eligible workplace employer”.

Ministry of Health Temporary Pandemic Pay Guidance Document

- an individual working in an eligible role for an eligible workplace employer is an “eligible worker”.
- a non-management worker redeployed to work in an eligible role with an “eligible workplace employer” is an “eligible worker”, regardless of whether they were previously in an ineligible role or worked in an ineligible workplace.
- a third-party agency worker or other contracted worker who is hired by or otherwise works in an eligible role for an eligible workplace employer, but who is not a direct employee of the eligible workplace employer, is an “eligible worker”.
- a worker employed in a management capacity is not an “eligible worker”. For greater clarity, an individual is employed in a management capacity:
 - where they are employed in a position which requires that they provide direction to other employees or,
 - otherwise involves the management of other employees within the same organization.
- a worker employed in a management capacity who is redeployed to an eligible role with an eligible workplace employer is not an “eligible worker”.

3.1 Determining Eligibility for Individual Workers

- The employer must determine eligibility of an individual worker for TPP. For greater clarity this is:
 - the home employer (i.e., where the worker is usually and contractually employed) where the employer is an eligible workplace employer; or
 - the receiving employer (i.e., an eligible workplace employer who is not the workers the home employer but for whom the worker is providing the service) where the home employer is an ineligible workplace employer.
- For the purpose of determining eligibility, employers should consult the eligibility criteria set out at in O.Reg 241/20 set out on the Government Website at <https://www.ontario.ca/page/eligible-workplaces-and-workers-pandemic-pay>, and as outlined in their transfer payment agreements.
- Position titles vary across eligible workplace employers for workers in the same or a similar role. In these cases, eligible workplace employers should consult the applicable sector-specific eligibility list of roles in the attached appendices to guide their decision-making and use their best judgement in determining “eligible workers”.

Ministry of Health Temporary Pandemic Pay Guidance Document

- TPP **must** be disbursed in accordance with the government's eligibility criteria for temporary pandemic pay.
- For greater clarity, employers will **not** be permitted to use Ontario government funds **of any kind** for the purpose of making other forms of COVID-19-related payments to employees who are otherwise ineligible for the government's own program for temporary pandemic pay.
- The following entities may provide guidance to employers on how to determine eligibility:
 - The Ministry of Health
 - Ontario Health and the Regions of Ontario Health, including Local Health Integration Networks
 - Municipalities
 - Other applicable paymaster entities

4.0 Funding Methodology and Payment of TPP

- TPP consists of:
 - TPP Hourly Pay; and
 - TPP Lump Sum Payments
- The TPP Period is from April 24, 2020 up to and including August 13, 2020.
- TPP Hourly Pay and Lump Sum Payments:
 - are non-pensionable earnings (with the exception of CPP contributions)
 - are not part of an employee's base salary
 - have no impact on benefits paid by employers
 - are expected to be subject to statutory withholdings and remittances or employer costs associated with Canada Pension Plan (CPP), Employment Insurance (EI), Workplace Safety and Insurance Board (WSIB) premiums and Employer Health Tax (EHT) and income tax. The determination of income tax treatment, withholding and remittances, as well as treatment for CPP and EI is within the purview of the Canada Revenue Agency.

4.1 TPP Hourly Pay

- TPP Pandemic hourly pay is additional \$4 per hour that will be paid to eligible workers on top of their hourly wages during the Temporary Pandemic Pay Period.
- The cost is calculated by counting the number of hours worked by an eligible worker and multiplying by \$4.

Ministry of Health Temporary Pandemic Pay Guidance Document

- For more information on calculating TPP Hourly Pay, see the attached document *COVID-19 Pandemic Pay: Illustrative Examples of Statutory Entitlements and Contributions*.

4.2 TPP Lump Sum Payments

- TPP Lump Sum Payments are payments of \$250 made at the end of each designated 4-week period to eligible employees who work at least 100 hours during that period.
- TPP Lump Sum Payments are payable by the Primary Eligible Workplace Employer (the employer with whom the worker has worked the most hours during the eligible period regardless of whether this is the home or receiving employer).
- The eligibility is determined by counting the number of hours worked by an eligible worker and if that number is equal to 100 hours or more in a designated 4-week period that eligible worker will receive \$250. Repeat for each 4-week period over the 16-week duration. The designated 4-week periods are:
 - 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
- The process for claiming and calculating the Pandemic Lump Sum Payments from the primary Eligible Workplace Employers is as follows:
 - The eligible worker will collect signed attestations from all Eligible Workplace Employers to whom they delivered services as Eligible Workers in Eligible Workplaces, setting out the number of hours and dates/times worked as an Eligible Worker in an Eligible Workplace, and provide the attestations to their primary Eligible Workplace Employer (i.e. the employer / for whom the worker worked the most number of hours); and
 - The primary Eligible Workplace Employers will collect the attestation to support the calculation and payment of the Pandemic Lump Sum Payment and will use the attestation to calculate the total number of all hours worked as an Eligible Worker in all Eligible Workplaces with all Eligible Workplace Employers to determine whether the worker met the requirement to work at least 100 hours in a designated pay period, as required to qualify for the Pandemic Lump Sum Payments.
 - The primary Eligible Workplace Employers will maintain supporting documentation in respect of the calculation of the hours worked, including the attestations.

Ministry of Health Temporary Pandemic Pay Guidance Document

- For more information on calculating TPP Lump Sum Payments, see the attached document *COVID-19 Pandemic Pay: Illustrative Examples of Statutory Entitlements and Contributions*.

5.0 Eligible Workers Reporting to Multiple Employers

- When an Eligible Worker delivers services in multiple Eligible Workplaces and reports to more than one Eligible Workplace Employer, the eligible worker should:
 - **claim the TPP Hourly Pay** through **whichever Eligible Workplace Employers** for which they were working when they delivered a given service; and
 - **claim the TPP Lump Sum Payments**, where applicable, through their **Primary Eligible Workplace Employer** (the employer with whom the worker has worked the most hours during the eligible period regardless of whether this is the home or receiving employer)

6.0 TPP Payments for Redeployed Workers

- Redeployment references a situation where:
 - a worker is providing services for an eligible workplace employer other than the home employer and
 - the worker's home employer is not tendering the employee's services under a contract with the receiving workplace employer or
 - the worker's home employer is a Broader Public Sector entity.

6.1 Redeployment Scenarios for TPP Payment

- **Where a worker is redeployed from an Eligible Workplace Employer to another Eligible Workplace Employer** (e.g. home care or community worker redeployed to a long-term care home, hospital, retirement home, community congregate care setting, etc.):
 - The worker will be paid by the **home employer**
 - The home employer will charge the ministry through its existing transfer payment agreement (TPA) or contract
 - Where the home employer is a LHIN-funded home and community care provider, the LHIN will fund the Home Employer through the home and community care temporary pandemic pay budget from MOH. This includes services provided under the Sessional Initiative outlined in a memo to LHINs dated April 17, 2020.

Ministry of Health Temporary Pandemic Pay Guidance Document

- Sample Scenario:
 - An eligible worker has been redeployed from home care to a long-term care home.
 - The Home Employer is a home care service provider organization (SPO) under contract with the LHIN.
 - The LHIN provides the pandemic pay to the Home Employer SPO who will provide the temporary pandemic pay to the worker.
- **Where worker is redeployed from an ineligible workplace to an Eligible Workplace Employer** in which the Government of Ontario is providing temporary pandemic pay to eligible workers (e.g. Family Health Team to a hospital).
 - The worker will be paid by the **Home Employer**
 - Funds will be paid to the receiving employer who will provide funds to Home Employer under a separate agreement.
- **Where worker is redeployed from School Board/University/Other Broader Public Service sector to an Eligible Workplace Employer** in which the Government of Ontario is providing temporary pandemic pay:
 - Will be paid by the **Home Employer**
 - Home Employer will charge the government.
- **Where a contracted agency staff is deployed under contract to an Eligible Workplace Employer in which the Government of Ontario is providing temporary pandemic pay to Eligible Workers (e.g. agency staff providing services in hospital):**
 - The agency will pay TPP to any of its employees working in an eligible workplace employer.
 - Funds will be paid to the receiving employer who will provide funds to the Home Employer through an agreement between the agency and the recipient employer.

7.0 Statutory Entitlements and Contributions

- As noted above, TPP Hourly Pay and Lump Sum Payments:
 - are non-pensionable earnings (with the exception of CPP contributions)
 - are not part of an employee's base salary
 - have no impact on benefits paid by employers

Ministry of Health Temporary Pandemic Pay Guidance Document

- are expected to be subject to statutory withholdings and remittances or employer costs associated with Canada Pension Plan (CPP), Employment Insurance (EI), Workplace Safety and Insurance Board (WSIB) premiums and Employer Health Tax (EHT) and income tax. The determination of income tax treatment, withholding and remittances, as well as treatment for CPP and EI is within the purview of the Canada Revenue Agency.
- For information on calculating statutory entitlements and contributions applicable on TPP Hourly Pay and Lump Sum Payments, see the attached document *COVID-19 Pandemic Pay: Illustrative Examples of Statutory Entitlements and Contributions*. Employers should also review the applicable provisions of their transfer payment agreements.

8.0 Records Requirements for Employers and Organizations Contracting Eligible Workers

- Eligible Workplace Employers are required to create and maintain records of TPP payments. These records must include the following details for each Eligible Worker:
 - Number of work hours eligible for pandemic hourly pay.
 - Gross amount of Pandemic Hourly Pay paid out to Eligible Workers.
 - Gross amount of pandemic pay lump sum paid out to Eligible Workers.
 - Amount of statutory contributions paid by employers as a result of providing pandemic pay to Eligible Workers.
 - Amount paid by the hospitals to address statutory or collective agreement entitlements as a result of providing pandemic pay.
 - Completed attestations for lump sum payments.
- Eligible Workplace Employers are required to make reasonable efforts to set out TPP as a separate line item from other amounts paid to Eligible Workers in a pay stub or other document provided to Eligible Workers.
- Eligible Workplace Employers will amend their agreements with other organizations that employ or contract Eligible Workers to establish the same requirement for communicating the details of TPP payments to Eligible Workers.

9.0 Records Requirements for Employers and Organizations Utilizing Redeployed Broader Public Service Staff

- Eligible Workplace Employers are required to create and maintain records for Eligible Workers who have been redeployed from other broader public service organizations (i.e. schools boards, universities, public agencies etc.) and to require the same of any sub-contractors receiving Temporary Pandemic Pay funding for their Eligible Workers.

Ministry of Health Temporary Pandemic Pay Guidance Document

- Eligible Workplace Employers will not be responsible for paying redeployed workers through their allocations for pandemic pay, as the workers' Home Employer (the organization from which they were originally deployed) will facilitate pandemic pay payments using the records provided by the eligible workplace employer for administration and reconciliation purposes. These records must include the following details for each Eligible Worker:
 - Number of worker hours eligible for pandemic hourly pay.
 - Number of worker hours eligible for lump sum pay.
 - Any applicable attestations in support of the above.

Ministry of Health Temporary Pandemic Pay Guidance Document

Appendix A: Hospitals

Eligible Workplaces:

- All hospitals in the province providing publicly funded services, including small rural hospitals, post-acute hospitals, children's hospitals and psychiatric hospitals.
- Eligible roles, as defined below, also apply in the following workplaces:
 - Hospital Elderly Capital Assistance Program (ELDCAP) beds
 - Hospital inpatient and outpatient Mental Health programs
 - Royal Ottawa Mental Health Centre staff working out of the St. Lawrence Valley Corrections and Treatment Centre

Eligible Roles:

- The following positions are Eligible Workers as long as they meet all other requirements specified in this Schedule:
 - Registered Nurses
 - Registered Practical Nurses
 - Nurse Practitioners
 - Personal Support Workers
 - Respiratory Therapists
 - Auxiliary workers, including:
 - Porters
 - Ward and unit clerks
 - Cleaning and maintenance
 - Housekeeping and laundry
 - Environmental services staff
 - Sterilization and reprocessing staff
 - Food services, including delivery and hospitality aides
 - Security
 - Screeners
 - Stores/supply workers
 - Receivers
 - Department attendants

Ministry of Health Temporary Pandemic Pay Guidance Document

- Client facing reception/administrative workers

Main Point of Contact for Employer Questions:

- Local Health Integration Networks (LHINs) and Ontario Health (OH) Regions will serve as first point of contact for hospitals with questions regarding eligibility and funding flow.

Ministry of Health Temporary Pandemic Pay Guidance Document

Appendix B: Home and Community Care

Eligible Workplaces:

- Settings where clients receive community services under HCCSA, including but not limited to:
 - The client's place of residence.
 - Congregate community settings.
 - Settings in which Nurse-Led Long-Term Care Outreach Team (NLOT) services are delivered.
 - Assisted Living Services in Supportive Housing facilities are Eligible Workplaces if they are funded by the LHIN, and not solely funded by municipal governments or directly by the ministry on a regular basis.
 - Settings where services for people with acquired brain injury (ABI) receive care or ABI programs are provided.
 - Settings where services for First Nations, Métis, Inuit and urban Indigenous communities are provided.
 - Settings in which short-term transitional care programs, transitional programs, or bundled care programs are delivered.
- Settings where services are provided through LHIN-funded community paramedicine programs.
- An eligible worker must work for at least one of the following employers or contract holders (provider):
 - A LHIN;
 - A LHIN-contracted service provider organization (SPO);
 - A LHIN-funded approved agency under the Home and Community Care Services Act (HCCSA), including their contracted provider, a community services agency, an agency providing services to people with acquired brain injury (ABI), and assisted living services in supporting housing;
 - A LHIN-funded health service provider providing community paramedicine;
 - A client participating in the Direct Funding Self-Managed Attendant Services program;
 - An individual receiving funding through the Family-Managed Home Care program or other LHIN-funded self-directed care programs under HCCSA.

Ministry of Health Temporary Pandemic Pay Guidance Document

Eligible Roles:

- Certified and non-certified personal support workers (other titles include home support workers, home help workers, community support workers, and residential support workers)
- Registered nurses
- Registered practical nurses
- Nurse practitioners
- Attendant care workers
- Developmental care/service workers
- Respiratory therapists
- Community paramedics, excluding those whose work is funded or contracted out by emergency medical services
- Auxiliary staff, including:
 - community workers;
 - porters, custodians / maintenance workers;
 - food preparation / food service workers;
 - housekeeping / cleaning staff/ laundry services workers;
 - drivers;
 - security personnel;
 - screeners;
 - administrative personnel/schedulers; and
 - recreational staff/activity coordinators/volunteer coordinators.
- For additional clarity, the following workers and/or categories of work are not eligible for the temporary pandemic pay:
 - LHIN care coordination;
 - Virtual services;
 - Occupational therapy services, physiotherapy services, social work services, speech-language therapy services, dietetics services, training for the delivery of professional services, diagnostic and laboratory services, pharmacy services, and social service worker services;
 - Management, supervisory and other support workers who oversee staff;
 - Services delivered by Eligible Workers for which temporary pandemic pay is provided through other Government of Ontario ministries; and

Ministry of Health Temporary Pandemic Pay Guidance Document

- Workers delivering services that are not funded, directly or indirectly, by the Government of Ontario, for the portion of the non-government funded service hours.
- Ineligible workers providing publicly funded home and community services in a long-term care home or retirement home may be eligible because those settings include a broader range of eligible workers.

Main Point of Contact if Employers Need Help:

- The 14 LHINs are the point of contact for LHIN-funded employers in home and community care.
- The Home and Community Care Branch, Ministry of Health, is the point of contact for LHINs.

Ministry of Health Temporary Pandemic Pay Guidance Document

Appendix C: Mental Health and Addictions

Eligible Workplaces:

- Settings where clients receive face-to-face community mental health and addictions services, including but not limited to:
 - The client's place of residence.
 - Residential (Child, youth and adult live-In treatment, congregate care, secure treatment, safe /respite beds, MHA supportive housing, addiction residential)
 - Settings in which Community MHA Programs (child, youth and adult) are provided
 - Settings where Indigenous community-based programs are provided (on- and off- reserve), including Youth Life Promotion; and
 - Consumption Treatment Services Sites

- An Eligible Worker must work at one or more of the following workplaces/settings:
 - i. MOH funded Child and Youth Mental Health
 - a. Residential (live-In treatment, secure treatment, safe /respite beds)
 - b. Community MHA Programs, Indigenous community-based programs (on- and off- reserve), including Youth Life Promotion
 - ii. Homes for Special Care/Community Homes for Opportunity/Habitat Services/Transformation Housing (including homeowners where they live or work in the home)
 - iii. MOH funded MHA supportive housing (where funding for support service staff is provided by MOH) and Consumption Treatment Services Sites.
 - iv. LHIN funded community mental health and addiction providers
 - a. Residential (congregate care, MHA supportive housing, addiction residential, safe beds)
 - b. Community MHA Programs
 - c. Indigenous community-based programs (on- and off- reserve)

Eligible Roles:

- Nurses (RN, RPN, NP); PSWs;
- Mental Health and Addictions Workers (non-regulated): counsellors/therapists, case workers and case managers (mental health, addictions and other); intake/admissions; peer workers; residential support staff; Indigenous/cultural service workers.

Ministry of Health Temporary Pandemic Pay Guidance Document

- Auxiliary Workers who meet the following criteria:
 - Support the safe operation of the program
 - Experience face-to-face interactions with clients, staff, and others who enter the premises and
 - Fall into one or more of these role categories:
 - Food Services/Cooks
 - Housekeeping /Maintenance/Facilities/Transportation
 - Client facing Reception/Administration
 - Security
 - These auxiliary staff support the delivery of front-line care in MHA settings where services are being provided face-to-face (such as community mental health programs, supportive housing buildings for individuals with mental health and addictions issues and Homes for Special Care, secure treatment facilities, intensive live-in treatment settings).
- For additional clarity, the following workers and/or categories of work are not eligible for the Temporary Pandemic Pay:
 - Hospital staff providing community mental health services will be funded through the hospital sector eligibility
 - Virtual services
 - Occupational therapy services, physiotherapy services, social work services, speech-language therapy services, dietetics services, registered psychotherapy services, diagnostic and laboratory services, pharmacy services, and social service worker services.
 - Training for the delivery of professional services
 - Management
 - Services delivered by Eligible Workers for which Temporary Pandemic Pay is provided through other OPS ministries, including relevant workers in the following settings who are not under redeployment orders or employment/contractual agreements with LHIN-contracted Service Provider Organizations:
 - Retirement homes
 - Long-term care homes
 - Social services and youth justice
 - Adult corrections
 - Housing, including emergency and homeless shelters and municipal supportive housing

Ministry of Health Temporary Pandemic Pay Guidance Document

- Workers delivering services that are not funded, directly or indirectly, by the Government of Ontario, for the portion of the non-government funded service hours.

Main Point of Contact if Employers Need Help:

- Local Health Integration Networks (LHINs) and Ontario Health (OH) Regions will serve as first point of contact for questions regarding eligibility and funding flow.
- The Mental Health and Addiction Programs Branch, Ministry of Health, is the point of contact for LHINs, as well as the first point of contact for directly funded MOH programs/services.

Ministry of Health Temporary Pandemic Pay Guidance Document

Appendix D: Emergency Medical Services

Eligible Workplaces

- As paramedics are highly mobile and may operate in multiple settings during the same shift, there are no workplace eligibility requirements for the Emergency Health Services sector for paramedics to be eligible to receive temporary pandemic pay.

Eligible Roles:

- Eligible roles are regular employees, contracted or outsourced staff who are employed as land or air ambulance paramedics designated as any of the following:
 - Primary Care Paramedic
 - Advance Care Paramedic
 - Critical Care Paramedic
 - Paramedic Preceptor
 - Emergency Medical Assistant
 - Paramedics performing roles in direct contact with COVID-19 patients (i.e. swabbing residents in long-term care homes through an approved Community Paramedic Program)

Ineligible Roles:

- The temporary pandemic pay excludes employees of paramedic services working in the following roles:
 - Management, supervisory staff (unionized and non-unionized), administration staff
 - Paramedic service support roles (e.g. vehicle/air craft maintenance, logistics, materials management staff)
 - Air ambulance pilots
 - Municipal volunteer medical response teams
 - Ambulance Communications Officers

Main Point of Contact if Employers Need Help:

- Emergency Health Program Management and Delivery Branch, Emergency Health Services, Ministry of Health

Ministry of Health Temporary Pandemic Pay Guidance Document

Appendix E: Public Health

Eligible Workplace and Roles:

- The following Board of Health employees (in a full-time or part-time capacity) are eligible for Temporary Pandemic Pay:
 - nurses that have consistent and ongoing risk of exposure (i.e., direct/in-person client interaction) to COVID-19 (Infection Prevention and Control Nurses, Nurse Practitioners, Registered Nurses, Registered Practical Nurses, Public Health Nurses).
- For additional clarity, all other Board of Health employees (including individuals employed in a management capacity) are not eligible for Temporary Pandemic Pay.

Main Point of Contact if Employers Need Help:

- Accountability and Liaison Branch, Office of the Chief Medical Officer of Health, Public Health, Ministry of Health