

Direction of the Minister
under a Declared State of Emergency
(Section 14 of the *Emergency Management Act*)
20-013

Under my authority in Section 14 of the *Emergency Management Act*, I order that this Direction (20-013) repeal and replace Direction (20-012), regarding liability protection for licensed homes for special care and issued on August 20, 2020.

During the Provincial State of Emergency I declared Province-wide on March 22, 2020, having satisfied myself that it is necessary for the protection of property and the health or safety of persons in the Province, and under the authority provided to me in Section 14 of the *Emergency Management Act*, I direct **effective as of August 20, 2020** as follows:

All homes licensed by the Minister of Health and Wellness or the Minister of Community Services under the *Homes for Special Care Act*, as well as their directors, officers and employees, are not liable for damages resulting, directly or indirectly, from an individual being, likely being or put at risk of being infected with SARS-CoV-2 (COVID-19) **on or after August 20, 2020** as a result of such home, director, officer or employee operating under or providing services under the *Homes for Special Care Act*, if at the relevant time:

- a. they were doing so, or reasonably believed they were doing so, in accordance with the *Homes for Special Care Act*, the *Homes for Special Care Regulations* and all applicable government orders and guidance, including emergency and public health orders and guidance, and
- b. they were not grossly negligent.

Please note that this Direction is in addition to any requirements established in a Medical Officer's order under the *Health Protection Act*, and any other Directions issued under the *Emergency Management Act*.

This Direction will remain in place for the duration of the Provincial State of Emergency, including any renewal periods made by the Minister and approved by Governor in Council under Section 19 of the *Emergency Management Act*, unless it is terminated in writing earlier.

Dated September 22, 2020.

Original Signed By

Hon. Chuck Porter
Minister of Municipal Affairs and Housing