

COVID-19: Government of Ontario Declares a Second State of Emergency

January 13, 2021

Background

The Ontario Government has declared a second provincial emergency in response to COVID-19 under the *Emergency Management and Civil Protection Act* (the "Act"). The Act provides the Ontario Government with wide authority to implement measures and restrictions on individuals and businesses operating across the province by way of new emergency orders under the Act. It is expected that orders and amendments to regulations made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (the "ROA") will also continue to be handed down.

Stay-At-Home Order

Effective January 14, 2021, the Ontario Government is issuing a stay-at-home order that will require everyone to remain at home with minimal exceptions, such as going to the grocery store or accessing health care services. As part of the stay-at-home order, those responsible for a business or organization that remains open will be required to ensure that their employees, with limited exceptions, conduct their work remotely.

Businesses that Continue to Operate

With the provincial emergency, all areas have been effectively moved back into the "Grey Zone." As such, only those businesses that fall within Schedule 2 (or with some exceptions Schedule 3) of the ROA's O. Reg. 82/20: Rules for Areas in Stage 1 will be permitted to remain open and will be required to comply with the rules established thereunder. Of particular note, it was announced that there will be significant changes to what those businesses operating in the construction industry will be permitted to do, including limitations on non-essential construction.

Generally speaking, businesses that continue to operate throughout the province-wide shutdown will be required to enforce physical distancing and face coverings (subject to limited exceptions), update and follow their COVID-19 safety plan, and ensure that their premises are properly disinfected.

Reduced Hours

Ontario's Health Minister, Christine Elliott, has announced that all non-essential retail stores, including hardware stores, alcohol retailers, and those offering curbside pickup or delivery, must open no earlier than 7 a.m. and close no later than 8 p.m. The restricted hours of operation do not apply to stores that primarily sell food, pharmacies, gas stations, convenience stores, and restaurants for takeout or delivery.

Enforcement

As part of the provincial emergency, enforcement officers, including Ontario Provincial Police, local police forces, bylaw officers, and provincial workplace inspectors, will be empowered to disperse crowds indoors as well as outdoors. These enforcement officers will also be able to issue tickets to individuals, employees, corporations and businesses who are found to not be complying with the stay-at-home order or mask covering guidelines.

Continued

Conclusions

As of the time of writing, the full details of what restrictions and limitations will apply during the provincial emergency have not been released. As they become available, we will provide further updates.

Please note that this bulletin is intended for informational purposes only and does not constitute legal advice or an opinion on any issue. We strongly recommend that you contact your Miller Canfield lawyer with your specific questions in regards to this news so that those questions can be addressed properly with you.