

Ontario Announces Launch of Workplace Education and Enforcement Campaigns

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On November 19, 2020, the Ontario government formally announced the launch of a series of education and enforcement campaigns intended to assist businesses in strategic locations throughout the province to make sure that they take all necessary steps to reduce the risk of transmission of COVID-19 to their employees, to their customers and to the greater public while in their workplace. The bulk of the work related to the campaigns has been and will continue to be carried out by a team of more than 200 provincial offences officers from various ministries, and is intended to compliment the ongoing work of the police, municipal by-law officers and public health inspectors.

The campaigns were developed in consultation with local health units in an effort to support the recently announced Framework [[see Second Wave of COVID-19 in Ontario Brings Changes to the Provincial Public Health Landscape](#)], as well as to allow for enforcement pursuant to the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (the “Act”). So far, they have taken place in over 1,000 workplaces within the province and the government reports that the response has been overwhelmingly positive. Further, the data collected to date shows that most employers have chosen to voluntarily comply with their COVID-19 health and safety obligations. Of the infractions noted during the campaigns held to date, most related to improper mask use, lack of screening and improper sanitization; however, no tickets have been issued and so far, all contraventions have been resolved through compliance assistance.

If your business is visited during one of these campaigns, you can expect an officer to provide you with guidance on how to operate safely while COVID-19 remains a public health concern and how to comply with specific public health requirements. The officer is also likely to ask employers who are required to prepare a [safety plan](#) produce it for inspection. Safety plans were initially required of some businesses under the [original phased system for COVID-19-related public health measures](#) and continue to be required for some who are classified in the Yellow – Protect, Orange – Restrict, Red – Control and Lockdown levels under the new Framework. Subject businesses include:

- Restaurants, bars and food establishments,
- Sports and recreational facilities,
- Meeting and event spaces,
- Malls,
- Personal care services,
- Casinos, bingo halls and other gaming establishments,
- Cinemas, and
- Performing arts facilities.

Although it seems that up to this point, officers have been focusing primarily on the education component of the campaigns and have apparently not issued any tickets in relation to infractions, employers should nonetheless ensure that they are as prepared as possible to be the subject of a campaign visit as the penalties for contraventions can be quite serious. More specifically, under the Act, the following penalties may be applied:

- Issuance of a ticket including a fine of up to \$750, or
- Where prosecuted without issuing a ticket and on conviction, issuance of a fine of up to \$100,000 for individuals, \$500,000 for directors and officers of a corporation and \$10,000,000 for a corporation.

In addition, any individual convicted of an offence under the Act could also face a potential term of imprisonment of up to one (1) year.

In Our View

Complex and sometimes seemingly contradictory guidance from various public health authorities throughout the pandemic has certainly created confusion and frustration for many employers. Given the volume of ever-changing information that they have been trying to wade through since March, these campaigns will hopefully prove to be a helpful initiative for Ontario-based businesses on the public health front.

Even so, employers should remain as proactive and as vigilant as possible in their implementation of the public health measures required in their workplace in order to avoid the risk of enforcement action being taken against them as a result of findings made during a campaign visit. Of note, campaigns are already being planned for not only Ottawa, but also other communities in Eastern Ontario and beyond.

For more information on your rights as an employer dealing with COVID-19 or a related issued, please contact [Paul Lalonde](#) at [613-940-2759](tel:613-940-2759) or [Neil Dzuba](#) at [613-940-2757](tel:613-940-2757).