

Ontario Government Announces Regional Approach to Stage 2 Reopening

Date : June 9, 2020

As initially detailed in our earlier [Focus Alert](#), Ontario will reopen in accordance with the three-stage approach detailed in the provincial government's [Framework for Reopening our Province](#). On June 8, 2020, the Ontario government announced that based on trends of key public health indicators, including lower transmission rates of COVID-19, increased hospital capacity and progress made in testing, [Stage 2](#) – also known as the gradual “Restart” phase – will begin on Friday, June 12, 2020 at 12:01 a.m.

Two of the most notable changes that Ontarians can expect to see coming into effect as of 12:01 a.m. on Friday, June 12 are province-wide. There will be a doubling of the current temporary limit on social gatherings from 5 people to 10 people. Additionally, places of worship will be permitted to reopen to congregants as long as they do not exceed 30% of their usual capacity.

With respect to all remaining changes included as part of Stage 2, these will be implemented on a regional basis. To that end, the Ontario government announced that 24 of the 34 public health “regions” in the province, including that covered by Ottawa Public Health, will also be allowed to move into Stage 2. The remaining 10 public health “regions”, all of which are concentrated in the Greater Toronto and Hamilton area or near the Canada/U.S. border, will be required to wait until they see a consistent decrease in their new daily case numbers. This will be reassessed on a weekly basis.

Once a region is permitted to move into Stage 2, businesses and services that will be permitted to reopen with proper health and safety measures/protocols in place will include, but are not limited to:

- Restaurants, bars and food trucks and other food and drink establishments (e.g., wineries, breweries and distilleries) will be allowed to open for outdoor dining only on patios, curbside, in parking lots or on adjacent premises, subject to municipal approval;
- Some personal care services (e.g., barber shops, hair salons, beauty salons, day spas, tanning studios, tattoo studios);
- Some personal services (e.g., house sitting, party planning, personal physical fitness training and sports trainers (outside of gyms only));
- Shopping malls and centres including food services opening for take-out, delivery and outdoor dining only. Entertainment amenities in malls such as movie theatres remain closed;
- Some community services will be permitted to reopen with limited or modified on-site services and programs or with restrictions, including libraries, community centres,

- attractions and heritage institutions;
- Beach access and additional camping will be allowed at Ontario Parks, as well as camping at private campgrounds;
 - Drive-in and drive-through venues for theaters, concerts, animal attractions and cultural appreciation; and
 - Finally, other businesses, facilities and services that will be permitted to resume operations include but are not limited to those related to:
 - Photography studio and services;
 - Film and TV production activities;
 - Indoor and outdoor tour and guide services;
 - Indoor and outdoor water recreational facilities such as public pools, pools in hotels, motels and other private facilities;
 - Outdoor recreational facilities that operate low-contact attractions and activities; and
 - Outdoor recreational team sports for training only and with no scrimmages or games.

In addition, child care services, including child care centres, daycares and summer camps, will be allowed to gradually move away from providing only emergency services and back towards providing regular services. However, there will be limits on operational capacity and other strict public health measures that will need to stay in place for these services. The Ontario government provided additional details on the steps that these services will be required to take in order to reopen today and a detailed Focus Alert on the topic will be released shortly.

As each of these categories of businesses is subject to different limitations and/or restrictions under Stage 2, it is important for employers who think they may now be permitted to reopen to review the specific requirements applicable to their workplace in order to ensure compliance. For more details on the businesses and services included in the Stage 2 reopening, including any limitations and restrictions, see the Ontario government's publication: [Reopening Ontario: what's in each stage](#). In the event that an employer has a specific question about whether or not their business can reopen in accordance with Stage 2 and if so, what restrictions it may be subject to, the provincial government has set up the Stop the Spread Business Information Line at 1-888-444-3659.

Finally, despite the above permitted changes, we note that the provincial government continues to encourage remote work where possible and to emphasize the importance of following public health advice, workplace health and safety guidance, as well as personal and collective responsibilities.

In Our View

As employers are permitted to reopen their businesses in accordance with Stage 2, many

considerations may be at the forefront of their mind including developing a reopening plan, recalling employees, preparing the workplace to ensure appropriate COVID-19 prevention, dealing with any anticipated work refusals and managing any anticipated leave or accommodation requests, just to name a few.

One particularly acute area of concern for employers may be that of the potential personal liability of supervisors or managers for any non-compliance with legislated occupational health and safety obligations and/or public health advice as mandated by the temporary [emergency Order](#) made under the *Emergency Management and Civil Protection Act* on the closure of non-essential businesses. That Order provides that the “person responsible for a place of business that is open” shall:

- ensure that the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.
- operate the business in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

To simplify the daunting task of reopening and for guidance in addressing exceptional issues arising specifically in the context of COVID-19, employers may wish to review the recording of Emond Harnden’s recent [webinar](#) on Return to Work Considerations, or to keep their eyes peeled for Emond Harnden’s upcoming detailed Return to Work Guide.

Emond Harnden LLP will continue to monitor and to report on important developments related to the reopening of the province. For further information or advice on your rights and obligations as an employer when dealing with COVID-19 and similar issues, please contact [Paul Lalonde](#) at [613-940-2759](tel:613-940-2759), [Sébastien Huard](#) at [613-940-2744](tel:613-940-2744), [J.D. Sharp](#) at [613-940-2739](tel:613-940-2739), [Colleen Dunlop](#) at [613-940-2734](tel:613-940-2734) or [Jennifer Birrell](#) at [613-940-2740](tel:613-940-2740).