

Second Provincial Emergency Declared

Date : January 13, 2021

On January 12, 2021, the Province of Ontario declared a second provincial emergency in relation to the COVID-19 pandemic under the [Emergency Management and Civil Protection Act \(EMCPA\)](#). As part of the declaration, the Province has issued a stay-at-home order and other, additional measures to attempt to reduce the mobility of Ontarians and slow the spread of the COVID-19 virus. The emergency declaration automatically expires 14 days after having been issued, but may be extended for an additional 14 days. The Ontario Government expects that the declaration, as well as all enhanced public health restrictions, will remain in place until at least February 11, 2021.

Stay-at-Home Order

Effective Thursday, January 14, 2021 at 12:01 a.m., the Province's stay-at-home order will take effect. It will require all Ontarians to remain at home and to only go out for essential purposes, such as to buy groceries, go to the pharmacy, access health care, exercise, or attend at essential work.

All employers must ensure that any employee who can work from home does work from home.

Additional Public Health Restrictions

Additionally, effective January 13, 2021 at 12:01 a.m., the following restrictions have come into effect:

- Outdoor gatherings, whether organized or social, are restricted to five people (with limited exceptions);
- Individuals must wear a mask or face covering in the indoor area of any open business or organization;
- All retail stores that are otherwise permitted to be open, including those offering curbside pickup or delivery, may only be open between 7:00 a.m. and 8:00 p.m. (with the exception of stores that primarily sell food, pharmacies, gas stations, convenience stores, and restaurants open for takeout or delivery);
- Big box stores that sell groceries may remain open subject to all other existing requirements, but at a maximum of 25 percent capacity, subject to members of the public being able to maintain two metres' physical distance from every other person; and
- Non-essential construction is further restricted, including below-grade construction (exempting survey).

New Enforcement Measures

Among other measures, the declaration of provincial emergency will authorize workplace inspectors to issue tickets to employers who fail to enforce public health requirements, including the above-stated enhanced measures. Penalties for a failure to comply include fines and/or prosecution under the [Reopening Ontario \(A Flexible Response to COVID-19\) Act](#) (ROA) or the *EMCPA* as applicable. Provincial workplace inspectors will also have the authority to temporarily close a premise.

Schools and Child Care

Schools in the northern portion of the Province will continue to provide in-person learning, while schools covered by the public health units of Windsor-Essex, Peel Region, Toronto, York and Hamilton will not return to in-person instruction until February 10, 2021. Schools located in the areas covered by all other public health units will be advised by January 20, 2021 as to whether they will be permitted to return to in-person instruction. Emergency childcare for school-aged children will continue until in-person learning resumes in a given area.

When in-person instruction does resume, new health and safety measures will include:

- Mandatory masking for students in grades 1 to 3;
- Masking requirements for outdoors where physical distancing cannot be maintained;
- Enhanced screening protocols; and
- Expanded targeted COVID-19 testing.

Health and safety measures in childcare settings will also be adjusted to align with the requirements for schools, including the implementation of enhanced screening, voluntary participation in targeted testing, and additional infection and prevention measures.

Workplace Safety

In addition to the provincial emergency declaration and related order, the Ministry of Labour, Training and Skills Development has launched a “Stay Safe All Day” campaign, which focuses on conducting workplace inspections in areas of high transmission (e.g., break rooms), and providing educational materials to employers in order to promote safe behaviour before, during and after work. Workplace inspections will focus on workplaces with reported COVID-19 outbreaks,

manufacturing businesses, warehouses, distribution centres, food processing operations, construction projects, and publicly accessible workplaces that have been deemed essential (e.g., grocery stores).

In Our View

Ontario employers are well-advised to familiarize themselves with the new public health restrictions outlined above, especially in light of the enhanced enforcement measures – including the closure of an entire premise – that provincial workplace inspectors have been authorized to impose should a violation of the *ROA* or *EMPCA* be found. Employers must also be mindful to ensure that work from home arrangements are continued or reintroduced wherever possible.

Please note that the summary provided in this article is based primarily on the Ontario Government's [press release](#). At the time of writing, the details of the new orders and regulations were not publicly available. Accordingly, should the summary provided in this article conflict with any new or amended provincial regulation or order, that regulation or order will prevail. We will keep readers updated as necessary.

For more information on the province's declaration of a second provincial emergency and what it means for your organization, please contact [Kecia Podetz](#) at [613-940-2752](tel:613-940-2752), [Mélissa Lacroix](#) at [613-940-2741](tel:613-940-2741) or [Kyle Shimon](#) at [613-563-7660](tel:613-563-7660) ext.269.