

COVID-19: Get the [latest updates](#), take a [self-assessment](#) or learn about the [COVID Alert exposure-notification app](#).



Report on Ontario's Provincial Emergency from March 17, 2020 to July 24, 2020

Learn about the orders the government issued and amended to protect the health and safety of Ontarians during the declared provincial emergency.

Executive summary

On March 17, 2020, based on the advice of Ontario's Chief Medical Officer of Health and other leading public health officials, the Ontario government declared a provincial emergency under s. 7.0.1 (1) of the [Emergency Management and Civil Protection Act](#) (EMCPA). In doing so, Ontario was able to implement and enforce the necessary emergency orders to protect the health and safety of individuals, families and communities from the threat of the COVID-19 virus.

This report focuses on the 129 days the declared provincial emergency was in effect and outlines the 47 orders the government issued and amended as needed to protect Ontarians. The report is organized into the following five sections based on the challenges the emergency orders addressed:

1. limiting spread of COVID-19
2. supporting continuity of critical services
3. supporting business
4. supporting vulnerable sectors
5. providing cost relief to Ontarians

Context

Once the provincial emergency was declared, Ontario created orders under s. 7.0.2 and 7.1 of the EMCPA and amended them in consultation with, or based on the advice of, the Chief Medical Officer of Health, the Health Command Table and/or other health experts, based on data, evidence and need. The 44 orders made under s. 7.0.2 were required to be brought before Cabinet at least every 14 days for approval to extend another 14 days. The three orders made under s. 7.1 were required to be brought before Cabinet at least every 90 days for approval to extend up to another 90 days.

On April 27, 2020, Ontario released [A Framework for Reopening our Province](#) (framework). This framework outlined the criteria the Chief Medical Officer of Health and other health experts used to advise the government on loosening of public health measures as necessary. It also established guiding principles, such as a stage-by-stage approach for the safe, gradual reopening of places of business, services and public spaces that had been required to close or limit their services.

Based on public health indicators and the ongoing risks of COVID-19, the government introduced the [Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#) (ROA) on July 7, 2020. This statute was proclaimed into force by the Lieutenant Governor on July 24, 2020, which ended the declared provincial emergency. The ROA enabled emergency orders made under the EMCPA to continue under the ROA, with the

ability to extend them up to 30 days and, in certain limited cases, amend them. These features of the ROA provide the government with flexibility to address the ongoing risks and effects of COVID-19.

Approach to developing emergency orders

All orders were developed based on public health information available at the time with the intent of addressing COVID-19 challenges while limiting intrusiveness. The province considered the advice of the Chief Medical Officer of Health, other leading public health officials and partners across the system.

Many orders applied to the entire province due to the global nature of the pandemic. A regional approach was taken for orders outlining the reopening of the province, as every region in Ontario experienced the effects of COVID-19 differently. This approach reflected the unique realities of different communities in Ontario.

Decisions were based on public health criteria being met locally, as outlined in the framework, including virus spread and containment along with health system and incidence-tracking capacity. Orders were reviewed by the government at least every 14 days and adjusted or revoked as soon as they were no longer necessary. Some orders were revoked or permitted to expire prior to the termination of the declared provincial emergency on July 24, 2020, while others remained in effect when the ROA came into force on July 24, 2020, to address the ongoing risks and effects of COVID-19.

1. Limiting spread of COVID-19

Limiting the size of gatherings and access to amenities, places, etc.

Ontario moved quickly to limit the spread of COVID-19 by restricting the opening of certain establishments and recreational spaces, limiting the size of organized public events or gatherings and closing places of business deemed non-essential. Also included were orders that allowed the government to take a targeted, regional approach to reducing restrictions on Ontarians, businesses and organizations, as trends in public health indicators improved.

- O.Reg. 82/20 (Rules for Areas in Stage 1)
- O.Reg. 263/20 (Rules for Areas in Stage 2)
- O.Reg. 364/20 (Rules for Areas in Stage 3)
- O.Reg. 363/20 (Stages of Reopening)
- O.Reg. 51/20 (Order Under Subsection 7.0.2(4) of the Act - Closure of Establishments)
- O.Reg. 52/20 (Order Under Subsection 7.0.2(4) of the Act - Organized Public Events, Certain Gatherings)
- O.Reg. 142/20 (Order Under Subsection 7.0.2(4) of the Act - Closure of Public Lands for Recreational Camping)
- O.Reg. 104/20 (Emergency Order Under Subsection 7.0.2(4) of the Act - Closure of Outdoor Recreational Amenities)
- O.Reg. 114/20 (Enforcement of Orders)

Digitalization

The government made it easier for people to conduct business and practice physical distancing by allowing meetings to occur virtually instead of in-person. Orders were made to enable electronic signatures and virtual witnessing of wills and powers of attorney, electronic service of legal documents and virtual meetings for certain types of corporations and organizations.

- O.Reg. 76/20 (Electronic Service)
- O.Reg. 129/20 (Signatures in Wills and Powers of Attorney)
- O.Reg. 107/20 (Order Under Subsection 7.1 (2) of the Act - Corporations, Co-Operative Corporations and Condominium Corporations)

Outbreak management

Certain orders allowed the government to address management issues in an outbreak by ordering temporary alternative management in long-term care or retirement home to ensure the safety of and adequate care for residents and patients.

- O.Reg. 210/20 (Management of Long-term Care Homes in Outbreak)
- O.Reg. 240/20 (Management of Retirement Homes in Outbreak)

2. Supporting continuity of critical services

Given the impact COVID-19 has had on many facets of life in Ontario, the government made 12 orders to ensure critical services could continue while managing the effects of COVID-19. Orders were made to address a gap or resource pressure, such as front-line staff being unable to meet requalification requirements due to closures of training centres and gathering size limits. They also addressed approval timelines necessary to create urgent temporary facilities to support physical distancing in certain congregate care settings.

List of orders supporting continuity of services

- O.Reg. 73/20 (Limitation Periods)
- O.Reg. 75/20 (Drinking Water Systems and Sewage Works)
- O.Reg. 95/20 (Streamlining Requirements for Long-Term Care Homes)
- O.Reg. 141/20 (Temporary Health or Residential Facilities)
- O.Reg. 192/20 (Certain Persons Enabled to Issue Medical Certificates of Death)
- O.Reg. 89/20 (Traffic Management)
- O.Reg. 190/20 (Access to Personal Health Information by Means of the Electronic Health Record)
- O.Reg. 140/20 (Agreements Between Health Service Providers and Retirement Homes)
- O.Reg. 195/20 (Treatment of Temporary COVID-19 Related Payments to Employees)
- O.Reg. 241/20 (Special Rules Re Temporary Pandemic Pay)
- O.Reg. 120/20 (Order Under Subsection 7.0.2(4) of the Act - Access to COVID-19 Status Information by Specified Persons)
- O.Reg. 132/20 (Use of Force and Firearms in Policing Services)

3. Supporting business

The government made three orders that supported businesses impacted by COVID-19 by allowing them to operate in a safe manner and by reducing certain direct costs. For example, the orders allowed municipalities to quickly pass temporary bylaws to create and extend patios, enabling restaurants to serve more customers outdoors while indoor dining was limited, and protected businesses from hydro price spikes. As well, the government enabled certain businesses to sell their products to customers through means such as curbside pick-up.

List of orders supporting businesses

- O.Reg. 128/20 (Pickup and Delivery of Cannabis)
- O.Reg. 345/20 (Patios)
- O.Reg. 191/20 (Order Under Subsection 7.0.2(4) of the Act - Global Adjustment for Market Participants and Consumers)

4. Supporting vulnerable sectors

Fifteen orders were made to support the continuity of services to vulnerable populations while also limiting the spread of COVID-19. This included orders that provided flexibility for certain employers by allowing them to take reasonably necessary measures related to work deployment and staffing.

List of orders supporting vulnerable sectors

- O.Reg. 193/20 (Hospital Credentialing Processes)
- O.Reg. 74/20 (Work Redeployment for Certain Health Services Providers)
- O.Reg. 156/20 (Deployment of Employees of Service Provider Organizations)
- O.Reg. 163/20 (Work Deployment Measures for Mental Health and Addictions Agencies)
- O.Reg. 116/20 (Work Deployment Measures for Boards of Health)
- O.Reg. 118/20 (Work Deployment Measures in Retirement Homes)
- O.Reg. 77/20 (Work Deployment Measures in Long-Term Care Homes)
- O.Reg. 121/20 (Service Agencies Providing Services and Supports to Adults with Developmental Disabilities and Service Providers Providing Intervenor Services)
- O.Reg. 145/20 (Work Deployment Measures for Service Agencies Providing Violence Against Women Residential Services and Crisis Line Services)
- O.Reg. 157/20 (Work Deployment Measures for Municipalities)
- O.Reg. 154/20 (Work Deployment Measures for District Social Services Administration Boards)
- O.Reg. 205/20 (Education Sector)
- O.Reg. 177/20 (Congregate Care Settings)
- O.Reg. 146/20 (Limiting Work to a Single Long-Term Care Home)
- O.Reg. 158/20 (Limiting Work to a Single Retirement Home)

5. Providing cost relief to Ontarians

There were three orders made to protect Ontarians impacted by increased costs of necessary goods and services due to COVID-19. This included prohibiting the charging of excessive prices for necessary goods, such as hand sanitizer. In addition, the government provided relief to parents, ensuring they didn't need to pay child care fees where care was not being provided (due to closures of childcare centres) and that their child care spaces were protected. The government also temporarily changed the electricity pricing rates to ensure Ontarians spending more time at home would not face higher hydro bills.

List of orders providing cost relief to Ontarians

- O.Reg. 98/20 (Prohibition on Certain Persons Charging Unconscionable Prices for Sales of Necessary Goods)
- O.Reg. 139/20 (Order Under Subsection 7.0.2(4) of the Act - Child Care Fees)
- O.Reg. 80/20 (Electricity Price for RPP Consumers)

1. Limiting spread of COVID-19

List of emergency orders issued intended to limit the spread of COVID-19:

O. Reg. 82/20 (Rules for Areas in Stage 1)

Description:

- This emergency order outlined which non-essential businesses were to close and which businesses could remain open (deemed essential), with restrictions, during the declared provincial emergency.
- It came into effect on March 24, 2020.

Why the emergency order was needed:

- Ontario demonstrated a sharp increase of COVID-19 cases in mid-March, with approximately 150 new cases per day by March 24, 2020.
- Based on public health advice, it was necessary to close certain businesses and only allow essential business to remain open in order to prevent a significant increase in the spread of COVID-19 and related deaths. It was intended that with these business closures, unnecessary interaction between people would be prevented, which was critically important given the contagious nature of COVID-19, especially for vulnerable populations such as Ontarians over 70.
- Beyond the high risk of the pandemic itself, another prevailing concern was that not closing businesses would enable a degree of virus transmission that would push the public health system beyond its capacity, which could lead to numerous preventable deaths.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Under the existing governing frameworks, such as the *Health Protection and Promotion Act, 1990*, the rules would have been solely at the discretion of individual municipalities or local medical officers of health.

Amendments:

- 16 amendments were made to this emergency order under the Emergency Management and Civil Protection Act (EMCPA). The amendments reflected the evolving nature of the pandemic, including the province's evolving understanding of how to address the pandemic, as well as the need to ensure consistency with other related orders and legislative amendments that were subsequently made.

Revocation/continuation under *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA)*:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 263/20 (Rules for Areas in Stage 2)

Description:

- For regions in Stage 2, this emergency order outlined businesses permitted to resume operations while adhering to sector-specific guidelines outlined in the regulation.
- It came into effect on June 11, 2020.

Why the emergency order was needed:

- Once regions experienced a downward trend in the number of daily new cases and lower risk of transmission, they were able to enter Stage 2 of recovery.
- As O. Reg. 82/20 closed all non-essential businesses, this regulation was intended to allow some businesses to reopen with restrictions while following public health advice. The reopening of businesses was necessary to facilitate the return of economic activity, including consumer spending and the jobs associated with this spending, and allow for social interaction, while also following the advice of public health.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Under the existing governing frameworks, such as the *Health Protection and Promotion Act, 1990*, the rules would have been solely at the discretion of individual municipalities or local medical officers of health.

Amendments:

- Seven amendments were made to this emergency order under the EMCPA. The amendments reflect the evolving nature of the pandemic, including the province's enhanced understanding of how to address the pandemic, as well as the need to ensure consistency with other related orders and legislative amendments that were subsequently made.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order expands on O. Reg, 82/20 and was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg, 364/20 (Rules for Areas in Stage 3)

Description:

- For regions in Stage 3, this emergency order outlined businesses permitted to reopen, subject to public health and workplace safety guidance, measures and restrictions. Businesses that were not specifically included in the order were permitted to reopen under the general compliance provision that outlined general guidelines that all businesses in Stage 3 must follow.
- It came into effect on July 13, 2020.

Why the emergency order was needed:

- Prior to regions entering Stage 3 of recovery, these areas needed to experience a sustained downward trend in the number of daily new cases and therefore were at lower risk of transmission, reducing the risk of reopening more sectors of the economy.
- Following Stage 2 and the improvement of public health indicators, Stage 3 was intended to allow most businesses to reopen with loosened restrictions while also following public health advice. This was to provide a reasonable approach to further expand most economic activity and social interaction while maintaining capacity in the public health system.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Under the existing governing frameworks, such as the *Health Protection and Promotion Act, 1990*, the rules would have been solely at the discretion of individual municipalities or local medical officers of health.

Amendments:

- One amendment was made to this emergency order under the EMCPA to make technical changes to the language and to reflect the evolving nature of the pandemic, including the province's enhanced understanding of how to address the pandemic, as well as the need to ensure consistency with other related orders and legislative amendments that were subsequently made.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order expands on O. Reg, 263/20 and was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 363/20 (Stages of Reopening)

Description:

- This emergency order outlined which regions were in Stage 1, Stage 2 or Stage 3 in Ontario's reopening plan. Businesses and residents in regions must follow public health and workplace safety guidance, measures and restrictions outlined in the respective stage regulations O. Reg. 82/20, O. Reg. 263/20, or O. Reg. 364/20.
- It came into effect on July 13, 2020.

Why the emergency order was needed:

- A staged approach to reopening the province was necessary to accommodate the different trends in key public health indicators across different regions of the province.
- The order was used to inform regional public health units, businesses and residents what stage of Ontario's reopening plan they were in. The stage a region was in was determined by the region's trends in key public health indicators.
- The order was also necessary to support O. Reg. 82/20, Stage 1; O. Reg. 263/20, Stage 2; and O. Reg. 364/20, Stage 3. Regions identified in O. Reg. 363/20 must follow guidelines, measures and restrictions outlined in the respective stage orders.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Under the existing governing frameworks, such as the *Health Protection and Promotion Act, 1990*, the rules would have been solely at the discretion of individual municipalities or local medical officers of health.

Amendments:

- One amendment was made to this emergency order under the EMCPA to reflect the evolving nature of the pandemic, including the province's enhanced understanding of how to address the pandemic, as well as the need to ensure consistency with other related orders and legislative amendments that were subsequently made.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 51/20 (Order Under Subsection 7.0.2(4) of the Act - Closure of Establishments)

Description:

- This emergency order required the closure of certain establishments, including:
 - facilities providing indoor recreational programs
 - public libraries
 - private schools
 - licenced child care centres
 - cinemas and theatres (including those offering live performances of music, dance and other art forms)
 - all bars and restaurants, except for takeout and delivery

- o concert venues
- It came into effect on March 17, 2020.

Why the emergency order was needed:

- The order was needed to limit the transmission of COVID-19 by closing the establishments, outlined in this order, where groups of people may have gathered. The order was enacted based on public health advice, including the advice of Ontario's Chief Medical Officer of Health.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Under the existing governing frameworks, such as the *Health Protection and Promotion Act, 1990*, the rules would have been solely at the discretion of individual municipalities or local medical officers of health.

Amendments:

- Despite widespread business and school closures, many workers in Ontario were still required to physically report to work to support efforts to contain the spread of COVID-19 and otherwise promote the health and safety of Ontarians. This included those working in the health care sector, first responders, correctional officers, individuals working in grocery stores and pharmacies. The emergency order was amended on March 23, 2020, to allow certain child care centres to re-open for the sole purpose of providing care to the children of health care and other frontline workers noted above. The order also provided specificity as to which child care centres could re-open.
- This order was amended six times (March 23, March 28, April 16, April 29, May 15 and May 29, 2020) to reflect the evolving nature of the pandemic, including the province's enhanced understanding of how to address the pandemic, as well as the need to ensure consistency with other related orders and legislative amendments that were subsequently made.

Revocation/continuation under R.O.A.:

- The order was revoked on June 12, 2020, and features of the order still required were added to O.Reg. 263/20 (Rules for Areas in Stage 2).

O. Reg. 52/20 (Order Under Subsection 7.0.2(4) of the Act - Organized Public Events, Certain Gatherings)

Description:

- This emergency order limited the number of people permitted at organized public events and certain gatherings, including religious and social gatherings.
- This order came into effect on March 17, 2020.

Why the emergency order was needed:

- The order was needed to limit the transmission of COVID-19 across Ontario given the risk of transmission in gatherings of groups of individuals. The order was enacted based on public health advice, including the advice of Ontario's Chief Medical Officer of Health.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Under the existing governing frameworks, such as the *Health Protection and Promotion Act, 1990*, the rules related to organized public events, social gatherings and religious services, rites or ceremonies would have been solely at the discretion of individual municipalities or local medical officers of health.

Amendments:

- This order was amended four times (March 28, May 16, May 29 and June 12, 2020) to reflect the evolving nature of the pandemic, including the province's enhanced understanding of how to address the pandemic, as well as the need to ensure consistency with other related orders and legislative amendments that were subsequently issued. The amendments made centred on the number of people permitted at, and criteria for, organized public events and certain gatherings.

Revocation/continuation under ROA:

- The order was revoked on July 17, 2020, with the required provisions moved to other emergency orders.

O. Reg. 142/20 (Order Under Subsection 7.0.2(4) of the Act - Closure of Public Lands for Recreational Camping)

Description:

- This emergency order prohibited recreational camping on public land (managed by the Ministry of Natural Resources and Forestry) in Ontario.
- It came into effect on April 9, 2020.

Why the emergency order was needed:

- This order was needed to limit the transmission of COVID-19 by preventing people from participating in recreational camping on public land. It was aligned with the closure of provincial parks and conservation reserves and supported public health guidance by asking people in Ontario to stay home and avoid travel.
- The order also enabled the province to provide clarity on activities that were not impacted by the order, including camping while exercising Aboriginal or treaty rights, walking through the lands, using the lands for a permitted purpose or providing accommodation for essential businesses.
- The order enabled enforcement by all provincial offence officers, including conservation officers and police officers.
- Using an emergency order provided clarity to the public, including clear and simple offences and penalties. The order was a reasonable measure relative to others because it provided the most timely response and most consistent approach. The *Public Lands Act* provides for some authority to prohibit camping on Crown land. However, it would have been difficult to enforce this prohibition because the *Public Lands Act* carries lower penalties compared to the EMCPA and would not allow for all provincial offence officers, including conservation officers and police officers to enforce.

Amendments:

- No amendments were made to this order.

Revocation/continuation under ROA:

- The order was revoked on June 1, 2020, after the province entered Stage 1 of reopening, to allow people in Ontario to participate in outdoor recreation while adhering to social distancing requirements and public health recommendations.

O. Reg. 104/20 (Emergency Order Under Subsection 7.0.2(4) of the Act - Closure of Outdoor Recreational Amenities)

Description:

- This emergency order closed all communal or shared, public or private, outdoor recreational amenities everywhere in Ontario, including playgrounds, sports facilities and multi-use fields, off-leash dog areas, outdoor fitness equipment, outdoor allotment and community gardens and outdoor picnic areas.
- It came into effect on March 30, 2020.

Why the emergency order was needed:

- The order was needed to limit the transmission of COVID-19 across Ontario based on public health advice, including the advice of Ontario's Chief Medical Officer of Health.
- Green space available in parks and places, such as trails, ravines and conservation areas, remained open for walkthrough access and use during COVID-19. This approach allowed safe park practices to continue, including running, walking or jogging through communal or shared park or recreational green spaces.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Under the existing governing frameworks, such as the *Health Protection and Promotion Act, 1990*, the rules around closing outdoor recreational amenities would have been solely at the discretion of individual municipalities or local medical officers of health.

Amendments:

- This order was amended three times (April 24, May 19 and June 11, 2020) to reflect the evolving nature of the pandemic, including the province's enhanced understanding of how to address the pandemic, as well as the need to ensure consistency with other related orders and legislative amendments that were subsequently issued. The amendments made centred on the type of outdoor recreational amenities that were allowed to reopen.

Revocation/continuation under ROA:

- The emergency order was revoked on July 17, 2020.

O. Reg. 114/20 (Enforcement of Orders)

Description:

- This emergency order ensured that a person was required to identify themselves by providing their correct name, date of birth and address, if demanded, by a provincial offences officer with respect to enforcing any orders made under the EMCPA. Provincial offences officers include certain peace officers (e.g. police officers, special constables and First Nations Constables) and certain non-peace officers (e.g. municipal by-law enforcement officers).
- It came into effect on March 31, 2020.

Why the emergency order was needed:

- The correct name, date of birth and address are essential information in order to lay a charge. Without this order, there would be no duty on individuals to provide their name or any other information if they were being charged with an offence under the EMCPA.
- The common law provides that a person is not required to answer or respond to questions from a provincial offences officer, including a police officer, unless compelled to do so by legislation (e.g. as with drivers under the *Highway Traffic Act* who must produce identification upon demand).
- Without the disclosure of this identifying information, provincial offences officers would be unable to effectively enforce orders under the EMCPA. Effective enforcement tools are essential to have compliance

with the orders, which are designed to limit the impacts of the current public health emergency.

- Provincial offences officers had to have reasonable grounds to believe that the individual committed an offence under the EMCPA before compelling the individual to provide this identifying information.
- The order was a reasonable measure relative to others because it was not broader than necessary, addressed an operational need and could be implemented more quickly than the alternative of amending the EMCPA or another statute to create a similar duty.

Amendments:

- The emergency order was amended on July 15, 2020, and July 22, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 76/20 (Electronic Service)

Description:

- The emergency order allowed service of legal documents on specified entities to be effected electronically for the duration of the declared provincial emergency.
- It came into effect on March 23, 2020.

Why the emergency order was needed:

- Service is when a copy of all the documents in a case is given to the other party. Documents must be served to the other party because that person has a right to know about a case that has been started against them.
- A number of Ontario statutes, regulations and rules require or permit documents to be served personally on the Crown and related entities. Accordingly, staff had to report physically to work to receive service and incoming mail and courier package. Individuals would also need to travel in person to submit documents.
- The order was needed to allow service to be effected electronically.
- The order was needed to provide continued access to justice during the declared provincial emergency by allowing litigation involving the Crown, Ministers of the Crown including the Attorney General, Office of the Public Guardian and Trustee, Office of the Children's Lawyer or the Director of the Family Responsibility Office to be commenced or continued effectively, while maximizing the ability of staff to work remotely and practice social distancing as advised by public health.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not allow for this ability. It would not have been timely or feasible to make individual amendments temporarily overriding each of the numerous statutes, regulations and rules governing service.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 129/20 (Signatures in Wills and Powers of Attorney)

Description:

- This emergency order allowed legal requirements around the execution of wills and Powers of Attorney (POAs) to be completed virtually.
- It came into effect on April 7, 2020.

Why the emergency order was needed:

- The *Succession Law Reform Act* (SLRA) and the *Substitute Decisions Act, 1992* (SDA), require wills and POAs to be executed or signed in the presence of two witnesses.
- The order was needed to permit the use of audio-visual technology to meet the witnessing requirements of the SLRA and the SDA. The order maintained the legal integrity of virtually-witnessed documents by requiring that at least one virtual witness be licensed by the Law Society of Ontario.
- The order enabled anyone seeking to urgently address their estate planning and substitute decision-making arrangements without being in the physical presence of two witnesses, in accordance with public health guidance.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Under the SLRA, courts have declined to validate wills that were not executed in the physical presence of two witnesses. Although court validation may have been possible for POAs, applying to court under the SDA for declarations of validity was not a timely or reasonable solution during the declared provincial emergency. Moreover, the SLRA and SDA are statutes and can only be amended by another statute. They cannot be amended by regulation or other type of legal instrument. A bill in the legislature would not have been timely enough as it was unclear when the legislature would sit and that process did not accommodate the time-sensitive emergency presented by COVID-19.

Amendments:

- The emergency order was amended on April 22, 2020, to allow virtual witnesses to sign the will or the POA in counterparts so virtual witnesses and the Testator/Grantor could sign separate but identical documents. Although the initial order permitted witnesses to use audio-video technology, it did not expressly amend the requirement for witnesses to sign the same piece of paper as the Testator/Grantor.
- The emergency order was also amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 107/20 (Order Under Subsection 7.1(2) of the Act - Corporations, Co-Operative Corporations and Condominium Corporations)

Description:

- This emergency order (made under section 7.1 of the *EMCPA*) permitted corporations under the *Corporations Act* and the *Business Corporations Act* to hold their shareholders', members' and directors' meetings virtually (i.e. electronically or via telephone) and postpone annual general meetings (AGMs) that they would have otherwise been required to hold during or shortly after the declared emergency period.
- It was made on March 30, 2020, retroactive to March 17, 2020.

Why the emergency order was needed:

- The order was needed to provide increased flexibility for different types of corporations and business to hold meetings to limit physical interaction and comply with provincial gathering limitations and public health guidance.
- Without this order some corporations would not have been able to meet legislative requirements to conduct AGMs. Some corporations were not permitted to hold meetings virtually because of a legislative provision under the *Corporations Act*, or provisions under their articles/letters patent or by-laws.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Other approaches considered such as legislative amendments to the *Corporations Act* would not have been timely enough as it was unclear when the legislature would sit and that process does not accommodate the time-sensitive emergency presented by COVID-19.

Amendments:

- The emergency order was amended on April 24, 2020, to provide relief, flexibility and clarity to various types of Ontario corporations.

Revocation/continuation under ROA:

- The order was revoked on May 12, 2020 as it was replaced by the legislative amendments under the *COVID-19 Response and Reforms to Modernize Ontario Act, 2020*.

O. Reg. 210/20 (Management of Long-term Care Homes in Outbreak)

Description:

- This emergency order provided authority to the Director under the *Long-Term Care Homes Act, 2007* to issue a mandatory management order to require a long-term care home to retain an identified manager to oversee operations of a long-term care home where a COVID-19 outbreak was declared.
- It came into effect on May 12, 2020.

Why the emergency order was needed:

- Despite measures taken by the government, there were serious concerns related to the capacity and ability of some long-term care homes to properly manage a COVID-19 outbreak to effectively protect resident and staff health, safety and well-being.
- Alternative management of these long-term care homes has been shown to reduce or alleviate the harm posed by COVID-19 to residents and staff.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing mechanisms that permit the issuing of a mandatory management order did not specifically contemplate or support the rapid deployment of alternative long-term care home management in the context of a COVID-19 outbreak. The use of an order ensured a rapid, province-wide response to COVID-19 outbreaks in long-term care homes.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 240/20 (Management of Retirement Homes in Outbreak)

Description:

- This emergency order provided authority to the Registrar of the Retirement Homes Regulatory Authority to enable the Registrar to select and appoint a manager to oversee operations of a retirement home in outbreak, defined by a single, laboratory confirmed case of COVID-19 in a resident or staff member, where there was a risk of harm to residents related to COVID-19.
- It came into effect on May 29, 2020.

Why the emergency order was needed:

- Although many retirement homes were adequately managing outbreaks while following direction and guidelines from Ontario's Chief Medical Officer of Health, concerns and questions were raised regarding the actions of some homes to prevent or contain an outbreak.
- By ordering a qualified manager selected by the Registrar to manage a home where there is a failure to ensure the safety of and adequate care for residents in a home, these residents can be better cared for with a view to stemming or preventing a COVID-19 outbreak.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing provisions in the *Retirement Homes Act, 2010* did not allow for this approach. It would not have been timely or feasible to make statutory changes as it was unclear when the legislature would sit and that process did not accommodate the time-sensitive emergency presented by COVID-19.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

2. Supporting continuity of critical services

List of emergency orders issued intended to support continuity of critical services during the COVID-19 emergency:

O. Reg. 73/20 (Limitation Periods)

Description:

- This emergency order (made under section 7.1 of the *EMCPA*) suspended limitation periods and procedural time periods, in recognition of the difficulty Ontarians may have had in meeting these time requirements during the emergency.
- It was made on March 20, 2020, retroactive to March 16, 2020.

Why the emergency order was needed:

- Time periods governing various steps in a proceeding are found in numerous statutes, regulations, rules and by-laws. If these time periods are not met, there may be serious legal consequences, including the prevention of a person from bringing forward a proceeding.
- In response to COVID-19, the Superior Court of Justice suspended regular operations on March 17, 2020. Tribunals Ontario closed frontline counter services on March 16, 2020.
- As a result of the suspended operations and closures, many Ontarians involved in court and tribunal proceedings would have been uncertain as to how they should move forward in their proceeding. Those intending to initiate a new proceeding may have also found it difficult to do so during the emergency.
- The order was needed to suspend limitation periods and time requirements governing various steps in a proceeding.
- The order was a reasonable measure relative to others because it provided the timeliest response and consistent approach. It would not have been timely or feasible to amend numerous statutes, regulations, rules or by-laws that set up limitation periods and procedural time periods.
- Additionally, this issue is specifically contemplated in the *Emergency Management and Civil Protection Act* (EMCPA), which allows the Lieutenant Governor in Council to make orders to temporarily suspend limitation and time periods in a proceeding in accordance with the criteria in s. 7.1 of the *EMCPA*.
- The Attorney General consulted justice sector partners on the order and there was significant support for the order.

Amendments:

- The emergency order was amended three times (April 9, May 1 and June 5) to exempt limitation periods and procedural time periods under the *Construction Act*, *Niagara Escarpment Planning and Development Act* and the *Family Responsibility and Support Arrears Enforcement Act, 1996* and to clarify its application to hospital credentialing proceedings under hospital by-laws.
- The order was also amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA):

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 75/20 (Drinking Water Systems and Sewage Works)

Description:

- This emergency order provided operational flexibility to owners and operating authorities of drinking water and wastewater facilities throughout Ontario by allowing the use of qualified, non-certified staff and redeployment staff to maintain system operations.
- The emergency order also allowed operators and water quality analysts who work at these facilities to maintain their certified or licensed status by extending expiring operator certificates and licences and reduced the training hour requirements for wastewater operators.
- It came into effect on March 23, 2020.

Why the emergency order was needed:

- Operators and water quality analysts are required to complete training to renew their certificates every three years. However, the availability and accessibility of training this year was significantly impacted by COVID-19.
- Since many operators and water quality analysts were not able to renew their certificates due to the inability to complete their training, the emergency order was needed to extend certificates so that operators can continue to provide essential public services without being out of compliance with professional regulatory requirements.
- The emergency order enabled owners and operating authorities of drinking water and wastewater facilities temporary operational flexibility to proactively address a potential shortage of skilled operators so that Ontario's drinking water and wastewater systems could continue to function properly during the pandemic.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing certification and licensing regulations under the *Safe Drinking Water Act* and the *Ontario Water Resources Act* did not provide the legal authority to implement the measures considered necessary to address the operational and certification/licensing issues related to the emergency.

Amendments:

- On July 15, 2020, the emergency order was amended to make technical changes to the language around certificate extensions, reduce the annual training hours required for wastewater operators and gradually phase out provisions that temporarily allowed the use of qualified non-certified or non-licensed staff and the redeployment of staff to maintain operations.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 95/20 (Streamlining Requirements for Long-Term Care Homes)

Description:

- This emergency order provided greater flexibility to and reduced administrative requirements of licensees of long-term care homes, allowing them to respond nimbly and effectively to meet the care and safety requirements of residents during the COVID-19 pandemic.
- It came into effect on March 27, 2020.

Why the emergency order was needed:

- In March 2020, there was a growing concern from stakeholders and the Ministry of Long-Term Care that frontline workers in long-term care homes would become ill with COVID-19 and be unable to work, creating staffing shortages and leading to further spread of COVID-19 amongst residents.
- There was also growing concern from stakeholders and the ministry that outbreaks of COVID-19 in long-term care homes would have a severe impact on the level of care required by residents, which could not be met when faced with potential staffing shortages.
- The order was needed to create greater flexibility for reporting, documentation, staffing, care requirements, admissions, transfers and discharges, licences and management contracts process and administration of drugs.
- The order was a reasonable measure relative to others because it provided the timeliest and most consistent approach. The existing governing frameworks did not provide the greatest flexibility and nimbleness in responding to a rapidly evolving landscape and shifting on-the-ground priorities. There was urgency to address potentially significant staffing shortages, administrative matters and their potential impacts to the level of care provided to residents.

Amendments:

- The emergency order was amended on July 15, 2020, to remove the provisions related to authority to take necessary measures related to reporting and documentation. This reverted the reporting and documentation requirements to the requirements set out in the *Long-Term Care Homes Act, 2007* and its regulations prior to the declared provincial emergency.
- The order was also amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 141/20 (Temporary Health or Residential Facilities)

Description:

- This emergency order exempted temporary emergency shelters and hospitals set up for the care, welfare, safety and shelter of individuals impacted by COVID-19 from having to obtain a building permit or a change of use permit under the *Building Code Act*. It also exempted these temporary facilities from complying with the technical requirements of the Building Code and from related requirements in the *Planning Act*.
- It came into effect on April 9, 2020.

Why the emergency order was needed:

- The order was needed to enable municipalities and hospitals to provide temporary overflow healthcare and residential shelter facilities quickly in response to COVID-19 outbreaks, while still ensuring that these facilities were safe for use.
- Without the order, in some cases, some buildings would not have been able to meet Building Code requirements and vacant land may not be zoned for new temporary use under municipal zoning by-laws made under the *Planning Act*. This order was needed to exempt these temporary buildings or uses from those by-laws and approvals, which may have delayed or prevented the construction and/or use of these facilities.

- In the same way, the order allowed buildings to be temporarily repurposed to accommodate overflow shelter facilities so that residents could adhere to physical distancing guidelines (e.g. in sports complexes).
- To help ensure the safety of newly constructed temporary facilities, the order required that the proponent have the facility designed and its construction overseen by a qualified professional (i.e. professional engineer or architect). The order also required that both new and converted temporary facilities be routinely inspected.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing government framework is limited in its authority to retroactively address buildings that have been constructed or converted since March 17, 2020, to ensure the health and safety of such buildings are considered and that the buildings are not subject to enforcement action for not having permits.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 192/20 (Certain Persons Enabled to Issue Medical Certificates of Death)

Description:

- This emergency order allowed registered nurses and nurse practitioners who are current members of the College of Nurses of Ontario, appointed under s. 16.1 of the *Coroners Act* to exercise the investigative powers and duties of a coroner to complete and sign the Medical Certificate of Death (MCOd). The emergency order also clarified that these individuals were authorized to copy or duplicate the MCOd, enabling electronic copies of MCOds to be sent to funeral directors.
- It came into effect on May 1, 2020.

Why the emergency order was needed:

- Provincial coroners were having difficulty managing the significant caseloads resulting from the continued increase in deaths as a result of COVID-19.
- The order was needed to increase the number of persons available to ensure timely completion of Medical Certificates of Death (MCOds) by extending the authority to registered nurses and nurse practitioners. Timely completion of MCOds was necessary to allow the final disposition of the deceased to proceed, as well as collection to understand the extent of COVID-19 in the community and pandemic mortality.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. It would not have been timely or feasible to make regulatory changes to the *Vital Statistics Act* to enable registered nurses and nurse practitioners to complete MCOds.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 89/20 (Traffic Management)

Description:

- This emergency order temporarily broadened the authorities of Ministry of Transportation (MTO) officers, maintenance staff, police officers and contractors to provide the necessary services and level of support to police agencies with respect to traffic in response to the imminent closure of the Canada-US border to non-essential travel in response to COVID-19.
- It came into effect on March 26, 2020.

Why the emergency order was needed:

- The expansion of MTO officer and maintenance staff authority was sought as a result of the imminent closure of the Canada-US border to non-essential travel in response to COVID-19 and the potential for queuing along the highway corridors leading to the border crossings.
- The order was needed to ensure that adequate resources were available to ensure the safety of the travelling public, including commercial vehicles that were critical to the supply chain.
- Extending authority to MTO officers increased the number of persons able to provide traffic direction services and could provide relief to police involved in other duties.
- The order allowed alternative methods of closing the highway to prevent a situation in which highways could not be closed properly because of a lack of the types of devices stipulated by *Ontario Regulation 599* under the *Highway Traffic Act*.
- An emergency parking plan as part of the order was intended to assist truckers and other motorists who were stranded on the road or could not proceed to their destination. It is normally illegal for trucks to be parked or stopped on a highway right-of-way as such parking interferes with the safe and efficient operation of the highway network. However, in unusual circumstances such as border closures, quarantining or other unusual highway events, it was possible that trucks may end up stopping or parking along the right-of-way contrary to the law as there was no place for them to go.
- Certain property owners were required to allow parking on their property without fee from the vehicle owner or compensation from the province, unless subsequently approved.
- The order was a reasonable measure as it provided the timeliest response and most consistent approach. The existing governing framework does not provide MTO the authority and flexibility to expand the scope of duties of an MTO officer with certainty.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order was revoked on July 23, 2020.

O. Reg. 190/20 (Access to Personal Health Information by Means of the Electronic Health Record)

Description:

- This emergency order provided coroners and medical officers of health with direct access to personal health information under the Electronic Health Record.
- It came into effect on May 1, 2020.

Why the emergency order was needed:

- The order was needed to provide the following with access to the Electronic Health Record:
 - Coroners and registered nurses appointed as coroner investigators in order to determine whether to conduct a death investigation.
 - The Chief Medical Officer of Health and local medical officers of health in public health units in order to provide immediate access to the most up-to-date data, to support COVID-19 response and protect the health of Ontarians.
- The order was necessary to prevent serious harm to persons. Without sound, up-to-date data, the public health response could be impacted, which could result in greater burdens on the health system and, ultimately, an increased number of deaths. Additionally, the order enabled coroners and registered nurses appointed as coroner investigators to complete their necessary investigations more quickly and efficiently.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. It would not have been timely or feasible to enable access to personal health information of a deceased individual without access to the Electronic Health Record.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 140/20 (Agreements Between Health Service Providers and Retirement Homes)

Description:

- This emergency order supported the retirement homes sector in voluntarily taking in hospital patients and addressing staff requirements. This order applied to all retirement homes that had entered into an arrangement with a hospital.
- It came into effect on April 9, 2020.

Why the emergency order was needed:

- The order was needed to address pressures on hospital capacity by encouraging retirement homes to enter into agreements with hospitals to provide additional beds and services to hospital patients.

- At the onset of the declared provincial emergency, the Ministry of Health, Ministry of Long-Term Care and Ontario Health developed a surge capacity framework that allowed alternative care settings, such as retirement homes, to enter into agreements with hospitals.
- Without the order, retirement homes entering these agreements and offering additional beds and services may have been considered hospitals under the *Labour Relations Act, 1995* and *Hospital Labour Disputes Arbitration Act*, making them subject to hospitals' collective agreements. This would have increased their labour costs and decreased affordability for residents.
- The order was a reasonable measure as it would not have been feasible to make multiple legislative or regulatory amendments to address these labour relations implications. The emergency order ensured rapid, province-wide changes that could facilitate the participation of retirement homes in this voluntary program.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order was revoked on July 23, 2020.

O. Reg. 195/20 (Treatment of Temporary COVID-19 Related Payments to Employees)

Description:

- The emergency order (made under section 7.1 of the *EMCPA*) suspended certain provisions under the *Protecting a Sustainable Public Sector for Future Generations Act, 2019* (PSPSFGA) and replaced them with other provisions to clear barriers for employers to start providing eligible frontline workers with time-limited payments in response to the COVID-19 pandemic (i.e. temporary pandemic pay).
- It was made on May 1, 2020, retroactive to April 24, 2020.

Why the emergency order was needed:

- The emergency order was needed to address COVID-19 related staffing shortages, support implementation of temporary pandemic pay and minimize the risk that temporary pandemic pay and other temporary COVID-19 related payments made during a moderation period could be perceived as non-compliant with the *PSPSFGA* at a later date.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 241/20 (Special Rules Re Temporary Pandemic Pay)

Description:

- The emergency order facilitated faster implementation of temporary pandemic pay for workers by providing clarity to employers and employees regarding eligibility for pandemic pay. The emergency order allowed employers with unionized workforces to provide these payments on a time-limited basis without the need to negotiate separate terms or conditions with bargaining agents.
- It was made on May 29, 2020, retroactive to April 24, 2020.

Why the emergency order was needed:

- The emergency order was needed to address COVID-19 related staffing shortages by ensuring that all eligible employees can receive the Temporary Pandemic Pay for which they may be eligible, whether they are represented by a bargaining agent or not.
- The order was a reasonable measure relative to others because Temporary Pandemic Pay is an exceptional temporary measure, and it would not have been timely or feasible to make alternate legislative or regulatory amendments in this regard.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 120/20 (Order Under Subsection 7.0.2(4) of the Act - Access to COVID-19 Status Information by Specified Persons)

Description:

- This emergency order enabled first responders, including police officers, firefighters and paramedics, to obtain COVID-19 status information (i.e. an individual's name, address, date of birth and whether the individual had had a positive test for COVID-19), from public health units (PHUs) and laboratories.
- It came into effect on April 3, 2020.

Why the emergency order was needed:

- First responders requested access to the COVID-19 status of the individuals that they come into contact with within the course of carrying out their duties. The order was considered necessary to reduce the COVID-19 exposure risk for first responders, thereby reducing risk of harm to first responders and other individuals within their services and additional individuals dispersed throughout the community that first responders encounter when carrying out their duties.
- This order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Under the *Personal Health Information Protection Act, 2004* (PHIPA) each PHU and laboratory determines, given the context, whether it has authority and wants to exercise its discretion to

disclose personal health information. In these circumstances PHIPA itself would not have required PHUs and laboratories to make COVID-19 status information available to first responders. Thus, the exercise of discretion and decision-making at the local level could have led to a lack of consistency and certainty for all first responders. The existing government framework does not include legislation that could address these differences for this time-limited issue.

Amendments:

- No amendments were made to this order.

Revocation/continuation under ROA:

- The emergency order was revoked on July 22, 2020.

O. Reg. 132/20 (Use of Force and Firearms in Policing Services)

Description:

- This emergency order allowed chiefs of police to authorize certain members of a police service to perform duties involving the use of force and to carry a firearm if the member had successfully completed the relevant training within the previous 24 months, instead of the required 12 months under the *Police Services Act*.
- It came into effect on April 8, 2020.

Why the emergency order was needed:

- Police services and the Ontario Police College suspended/delayed training to stop the spread of COVID-19 at police training facilities and to ensure that enough personnel were available for deployment.
- The order was needed to ensure the continued delivery of public safety services by enabling police services to make use of all frontline staff for redeployment.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing government framework under the *Police Services Act* does not allow officers to defer use of force and firearm training, resulting in many officers being unable to fulfil frontline duties. Allowing members to use force and carry firearms if they received training in the previous 24 months also allowed chiefs to authorize officers who retired from a police service within the previous 12 months to use force and carry firearms if they were re-hired during the declared provincial emergency. It would not have been timely or feasible to make regulatory changes without understanding the potential length of the emergency period and the resulting potential transition period required to address the expected training backlog.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place due to limited capacity for training as a result of COVID-19 precautionary measures that were put in place and the challenge for police services to catch up with backlogs for training.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

3. Supporting business

List of emergency orders issued intended to support business during the COVID-19 emergency:

O. Reg. 128/20 (Pickup and Delivery of Cannabis)

Description:

- This emergency order allowed authorized cannabis retailers to offer delivery services and curbside pickup to support continued access to safe and regulated recreational cannabis products.
- It came into effect on April 7, 2020.

Why the emergency order was needed:

- Private cannabis retail stores were among the businesses ordered to close as of April 4, 2020. Ontario's cannabis retail framework did not permit delivery services or curbside pickup services to be offered by cannabis retail stores. Only the Ontario Cannabis Store (OCS) is permitted to deliver recreational cannabis directly to consumers.
- The order was needed to enable authorized cannabis retailers to continue to help fulfill consumer demand for recreational cannabis. Without permitting cannabis retail stores to offer delivery and curbside pick-up in a timely way, it is likely there would have been additional market capture by illicit operators. The approach taken allowed the legal market to more nimbly support access to safe and regulated recreational cannabis products.
- This order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. It would not have been timely or feasible to make legislative amendments to multiple statutes and their supporting regulations to support delivery services and the curbside pickup of safe and regulated recreational cannabis products.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA)*:

- The order was revoked on July 23, 2020.

O. Reg. 345/20 (Patios)

Description:

- This emergency order allowed municipalities to permit the temporary establishment and expansion of patios for restaurants and bars in an expedited manner in order to meet public health physical distancing requirements.
- It came into effect on July 2, 2020.

Why the emergency order was needed:

- The order was needed by the hospitality sector to optimize the time-limited and critical summer patio season, support small businesses across the province and help maintain and create hospitality sector jobs.
- Restaurants and bars were allowed to temporarily create or extend outdoor patio spaces prior to this order under the *Liquor Licence Act* to safely accommodate patrons and staff once licensed establishments were permitted to reopen for business. However, in some instances it was not possible to navigate the municipal land use planning legislative requirements to quickly establish or expand patios, especially where businesses wanted to create or expand patios on private property.
- This order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing requirements for public notice, consultation and rights of appeal under the *Planning Act* did not support expediting temporary use by-laws needed to establish and expand patios for restaurants and bars.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 191/20 (Order Under Subsection 7.0.2(4) of the Act - Global Adjustment for Market Participants and Consumers)

Description:

- This emergency order deferred a portion of Global Adjustment (GA) charges for industrial and commercial electricity consumers that do not participate in the Regulated Price Plan. This initiative was intended to provide businesses with relief on their monthly electricity bills in April, May and June 2020.
- It came into effect on May 1, 2020.

Why the emergency order was needed:

- Ontario was experiencing lower non-residential electricity consumption due to COVID-19. This lower consumption would have resulted in a substantial increase in electricity costs for more than 50,000 industrial (i.e. Class A) and commercial (i.e. Class B) electricity consumers. Without this emergency order, a small industrial or commercial consumer could have seen bills increase by 15 per cent or more.
- Industrial consumers that had reduced or shut down operations due to COVID-19 would have continued to be billed their monthly GA charge based on their proportion of total electricity consumption during the top five electricity demand peaks in 2018-19. This amount may have been substantial and would not have changed based on actual monthly consumption at the facility.
- Commercial consumers would have seen their commodity unit rate (i.e. cents per kilowatt hour) increase substantially due to reduced electricity demand with a high proportion of fixed electricity system costs.
- Note: The May 1, 2020, effective date permitted deferral of GA charges in April 2020, as the Independent Electricity System Operator determines the final GA rate for each month on the tenth business day of the following month. A subsequent regulatory amendment permitted deferral of GA charges in June 2020, despite the revocation of the emergency order on June 1, 2020.
- This order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not support deferring GA costs. It would not have been timely or feasible to make regulatory amendments to avoid price spikes for

commercial/industrial consumers immediately following the declared provincial emergency. Subsequent regulatory amendments under the *Electricity Act* were made to establish a GA rate cap for June 2020.

Amendments:

- The emergency order was amended on May 29, 2020, to permit the GA Deferral initiative to continue up until the month of May 2020.

Revocation/continuation under ROA:

- The emergency order was revoked on June 1, 2020, to coincide with regulatory amendments to O. Reg. 429/04 made under the *Electricity Act, 1998*, to extend the GA Deferral initiative to June 2020, making the emergency order no longer necessary.

4. Supporting vulnerable sectors

List of emergency orders issued intended to support vulnerable sectors during the COVID-19 emergency:

O. Reg. 193/20 (Hospital Credentialing Processes)

Description:

- This emergency order provided hospitals with the authority and flexibility to more quickly appoint, reappoint and grant privileges to physicians and other professional staff where necessary to respond to, prevent and alleviate the outbreak of COVID-19.
- It came into effect on May 1, 2020.

Why the order was needed:

- The order was needed to address staffing shortages in health and other congregate care settings and ensure staff were deployed to critical areas of need. It was needed to enable hospitals to simplify and expedite their professional staff appointment and credentialing processes to effectively meet patient care demands.
- It was intended to support effective and flexible human resources management in Ontario hospitals, facilitate hospitals' efforts to provide critical outbreak management and prevention supports to long-term care homes and to meet direct patient care needs.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. It would not have been timely or feasible to make statutory and regulatory amendments under the *Public Hospitals Act* to ensure that all hospitals have mechanisms in place for managing professional staff resource demands on an urgent basis.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA)*:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.

- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 74/20 (Work Redeployment for Certain Health Services Providers)

Description:

- This emergency order authorized hospitals to take reasonably necessary measures with respect to staffing in order to respond to, prevent and alleviate the outbreak of COVID-19 for patients.
- It came into effect on March 21, 2020.

Why the order was needed:

- The order was needed to address staffing shortages in health and other congregate care settings and ensure staff were deployed to critical areas of need. It provided temporary measures to hospitals to allow the necessary flexibility to urgently respond to COVID-19.
- The broader health care sector is covered by collective bargaining agreements which include processes that generally restrict the ability of public hospitals and other health service providers to quickly deploy staff to help address the demand created by the COVID-19 emergency.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement in the broader health care sector to reflect the temporary measures needed to respond to the pandemic.

Amendments:

- On April 24, 2020, the emergency order was amended to permit public hospitals and other health service providers to provide support and services in long-term care homes, including nursing and personal support services, infection prevention and control, and authorized such employers to redeploy staff to work in a long-term care home.
- The order was also amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 156/20 (Deployment of Employees of Service Provider Organizations)

Description:

- This emergency order provided Local Health Integration Networks with the authority and flexibility to make arrangements with contracted home care service providers to support the voluntary movement of available staff capacity at home care service provider organizations to high-priority congregate care settings, such as long-term care homes, during COVID-19.
- It came into effect on April 16, 2020.

Why the emergency order was needed:

- The order was needed to address staffing shortages in the long-term care sector and ensure staff were deployed to critical areas of need. It provided Local Health Integration Networks with the necessary flexibility to urgently respond to COVID-19.
- The order allowed voluntary deployment of existing home care staff at service provider organizations to provide services, such as nursing, personal support services and therapy to other congregate care settings.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Hiring new staff or entering into new contracts with service provider organizations would have been a time-consuming process that would not support urgent same-day or same-week demands for services.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 163/20 (Work Deployment Measures for Mental Health and Addictions Agencies)

Description:

- This emergency order provided mental health and addictions agencies with the authority and flexibility to make human resources decisions as necessary to respond to, prevent and alleviate the outbreak of COVID-19.
- It came into effect on April 22, 2020.

Why the emergency order was needed:

- The order was needed to provide community mental health and addictions agencies with temporary measures to allow flexibility in staffing and deployment to address outbreaks, staff shortages and shifting modes of service delivery to urgently respond to COVID-19.
- The order was needed to support a highly vulnerable population who were at risk of frequent emergency department visits and/or hospitalization if services in the community were not available.
- The mental health and addictions sector is covered by collective bargaining agreements that restrict the ability of service providers to appropriately redeploy staff.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement in the sector to reflect the temporary measures needed to respond to the pandemic.
- As there is no governing legislation for the community mental health and addictions sector, alternate legislative/regulatory approaches were not possible.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 116/20 (Work Deployment Measures for Boards of Health)

Description:

- This emergency order provided public health units (PHUs) with the authority and flexibility to make human resources decisions as necessary to respond to, prevent and alleviate the outbreak of COVID-19.
- It came into effect on April 1, 2020.

Why the emergency order was needed:

- The order was needed to provide PHUs with temporary measures to allow the necessary flexibility to address staffing shortages and urgently respond to COVID-19.
- PHUs needed to be adequately resourced to manage and prevent the spread of COVID-19, including, but not limited to, expanding capacity to increase case and contact tracing to limit the spread of COVID-19 in communities across the province.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement across each PHU to reflect the temporary measures needed to respond to the pandemic.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 118/20 (Work Deployment Measures in Retirement Homes)

Description:

- This emergency order provided retirement homes with the flexibility to redeploy staff to better address the staffing impact of the pandemic on retirement homes, as well as implement additional protocols and precautions in response to COVID-19.
- It came into effect on April 2, 2020.

Why the emergency order was needed:

- The order was needed to address staffing shortages in retirement homes and ensure staff were deployed to critical areas of need to maintain the health and safety of the residents who are particularly vulnerable to COVID-19. It provided retirement homes with temporary measures to allow the necessary flexibility to urgently respond to COVID-19.
- The order enabled retirement home licensees to implement additional public health protocols and precautions to deal with the impact of outbreaks and prevent further outbreaks from occurring.
- The order also allowed the Retirement Homes Regulatory Authority to assist with the implementation of effective infection control by requiring licensees to report an outbreak of COVID-19 to the Retirement Home Regulatory Authority in addition to required reporting to their local medical officer of health or designate.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing legislation governing retirement homes did not provide sufficient authority to address the items in the order. In addition, the order ensured that the Retirement Homes Regulatory Authority would receive reports on any outbreaks in retirement homes directly from the homes, without having to rely on inconsistent sharing of this information through public health units to the Retirement Homes Regulatory Authority.
- The order was a reasonable measure in light of the government not being the employer and the involvement of numerous employers and bargaining agents in retirement homes across the province. It would not have been timely or feasible to amend or address each individual collective agreement across the sector to reflect the temporary measures needed to respond to the pandemic.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The order was also amended to remove provisions related to certain necessary measures, including reporting and documentation. As a result, the related requirements set out in the *Retirement Homes Act, 2010* and its regulation prior to the provincial declaration of emergency were again in effect. The requirement for licensees to report an infectious disease outbreak to the Retirement Homes Regulatory Authority was added to the regulations under the *Retirement Homes Act, 2010*.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 77/20 (Work Deployment Measures in Long-Term Care Homes)

Description:

- This emergency order provided long-term care homes with greater flexibility to identify staffing priorities and develop, modify and implement redeployment plans to alleviate the effects of COVID-19 and deal with staff shortages and increased care required to address an outbreak.
- It came into effect on March 23, 2020.

Why the emergency order was needed:

- The order was needed to address staffing shortages in long-term care homes and ensure staff were deployed to critical areas of need to maintain the health and safety of the residents who are particularly vulnerable to COVID-19. It provided long-term care homes with temporary measures to allow the necessary flexibility to urgently respond to COVID-19.

- It was needed to offer greater flexibility to identify staffing priorities and develop, modify and implement redeployment plans and deal with staff shortages and increased care required to address an outbreak.
- The emergency order was needed to provide long-term care operators with the authority to develop and implement staff redeployment plans, where the long-term care home is of the view that redeployment of staff is reasonably necessary to respond to and provide care for residents due to COVID-19.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. There was urgency to address potentially significant staffing shortages and potential impacts to the level of care provided to residents. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement across the long-term care sector to reflect the temporary measures needed to respond to the pandemic.

Amendments:

- The emergency order was amended on April 14, 2020, to ensure alignment with O. Reg. 146/20 to limit the redeployment authority for the purposes of ensuring that no employee is providing services at more than one long-term care home.
- The order was subsequently amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 121/20 (Service Agencies Providing Services and Supports to Adults with Developmental Disabilities and Service Providers Providing Intervenor Services)

Description:

- This emergency order provided temporary measures to allow flexibility to developmental service agencies with respect to work deployment and staffing and streamlined quality assurance measures, allowing them to meet the needs of adults with developmental disabilities during the COVID-19 pandemic.
- It came into effect on April 3, 2020.

Why the emergency order was needed:

- COVID-19 created staffing challenges for developmental services agencies.
- The order was needed to address staffing shortages and ensure staff were deployed to critical areas of need. It provided the necessary flexibility to prevent, reduce and mitigate serious harm to vulnerable individuals receiving services and supports. In particular, residential settings had to remain operational and individuals had to continue to receive critical care and supports.
- The order was needed to enable service agencies to redirect staff to meeting the immediate support needs of adults with a developmental disability in their care when staffing was limited and/or stretched, while retaining key health and safety measures.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would

not have been timely or feasible to amend or address each individual collective agreement across the developmental services sector to reflect the temporary work deployment and staffing measures needed to respond to the pandemic.

Amendments:

- The emergency order was amended on April 24, 2020, to include intervenor service providers, which serve a range of deafblind people with different levels/combinations of hearing and vision loss. (Note: The provisions in the order streamlining quality assurance requirements for developmental services agencies do not apply to intervenor service providers).
- The order was also amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/Continuation under R.O.A.:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 145/20 (Work Deployment Measures for Service Agencies Providing Violence Against Women Residential Services and Crisis Line Services)

Description:

- This emergency order provided temporary measures to allow flexibility to service agencies in the violence against women (VAW), anti-human trafficking and crisis line services sectors with respect to work deployment and staffing, allowing them to meet the needs of vulnerable women and their dependents during the COVID-19 pandemic.
- It came into effect on April 14, 2020.

Why the emergency order was needed:

- As a result of COVID-19, VAW and anti-human trafficking residential agencies experienced several challenges, including increased demand for services and supports and the need to maintain the health and safety of residents and staff in communal situations.
- The order was needed to address staffing shortages and ensure staff were deployed to critical areas of need. It provided the necessary flexibility to respond to increases in staff absenteeism, shortages and demand for unconventional staffing models (e.g. in hotels or other off-site locations) and monitor and assess the risk of asymptomatic transmission by staff.
- This order was also required to help mitigate risks related to access or capacity in the VAW/anti-human trafficking shelter system, which could put women and their dependents at heightened risk of abuse and injury.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement across the VAW, anti-human trafficking and crisis line services sectors to reflect the temporary measures needed to respond to the pandemic.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 157/20 (Work Deployment Measures for Municipalities)

Description:

- This emergency order provided temporary measures to allow flexibility to municipalities with respect to work deployment and staffing, allowing them to ensure frontline services could continue to be delivered to meet the needs of their jurisdictions during the COVID-19 pandemic, including local public health needs.
- It came into effect on April 16, 2020.

Why the emergency order was needed:

- The order was needed to address staffing shortages at the municipal level and ensure staff were deployed to critical areas of need. It provided the necessary flexibility to urgently respond to COVID-19.
- The order was needed to enable municipalities to redeploy existing staff with the appropriate training, change the assignment of work and employ volunteers and additional part-time/temporary staff or contractors.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement across the municipal sector to reflect the temporary work deployment and staffing measures needed to respond to the pandemic.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 154/20 (Work Deployment Measures for District Social Services Administration Boards)

Description:

- This emergency order provided temporary measures to allow flexibility to District Social Services Administration Boards (DSSABs) with respect to work deployment and staffing, allowing them to ensure the delivery of important frontline services during the COVID-19 pandemic.

- It came into effect on April 16, 2020.

Why the emergency order was needed:

- The order was needed to address staffing shortages and ensure staff were deployed to critical areas of need. It provided the necessary flexibility to urgently respond to COVID-19.
- The order was needed to enable DSSABs to redeploy existing staff with the appropriate training, change the assignment of work and employ volunteers and additional part-time/temporary staff or contractors.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement across the DSSAB sector to reflect the temporary work deployment and staffing measures needed to respond to the pandemic.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 205/20 (Education Sector)

Description:

- This emergency order enabled available school board employees to be voluntarily redeployed to congregate care settings during the COVID-19 pandemic, including hospitals, long-term care homes, retirement homes and women's shelters.
- Under the emergency order, school boards were authorized to develop and implement staff redeployment plans. Redeployed staff would maintain their employment relationship with the school board.
- It came into effect on May 8, 2020.

Why the emergency order was needed:

- The order was needed to address staffing shortages in congregate care settings and ensure staff were deployed to critical areas of need. It provided the necessary flexibility to urgently respond to COVID-19.
- It enabled the education sector (e.g. custodial/maintenance, children and youth workers, social workers, paraprofessionals and educational assistants) to support staffing shortages within congregate care homes through the redeployment of school board employees.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to make statutory and regulatory amendments under the *Education Act* or *School Boards Collective Bargaining Act, 2014* to allow the redeployment of staff.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 177/20 (Congregate Care Settings)

Description:

- This emergency order introduced temporary measures to address the risk of transmission of COVID-19 and protect vulnerable populations residing in congregate care settings. The order included a requirement to follow all existing guidance issued by the Ministry of Health, a requirement for employees in these sectors to elect to work for one employer in the same sector and, in the event of an outbreak, restrict staff to working only at the outbreak location.
- It came into effect on April 24, 2020.

Why the emergency order was needed:

- The order was needed to prevent the introduction of COVID-19 in congregate residential settings in developmental services, violence against women and anti-human trafficking shelters and intervenor services sectors and to respond should an outbreak occur.
- There are limitations to physical distancing in a congregate care setting due to the layout of some residences, direct staff to resident contact and, in the case of violence against women shelters, the large number of children in residence.
- Given that the movement of staff between multiple employment locations can result in a significant risk of transmission of COVID-19 and the mobile nature of the workforce in these congregate residential settings, the order was needed to prevent widespread outbreak.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Limiting the movement of staff is beyond the authority under existing governing frameworks. It would not have been timely or feasible to amend or address each individual collective agreement in the congregate care sector to reflect the temporary measures needed to respond to the pandemic.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 146/20 (Limiting Work to a Single Long-Term Care Home)

Description:

- This emergency order temporarily limited long-term care employees from working in other long-term care homes, retirement homes and health care settings and required long-term care home licensees to ensure that employees who work in a home do not work for any other home or health service provider, including retirement homes.
- The order came into effect on April 14, 2020, with the requirements limiting where long-term care employees can work coming into effect on April 22, 2020.

Why the emergency order was needed:

- The order was needed to reduce the movement of employees between facilities to ensure that an employee of one long-term care home did not inadvertently transmit COVID-19 to individuals in other long-term care homes or health care settings where that employee also worked.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The use of an emergency order ensured a rapid, province-wide response to COVID-19 outbreaks in long-term care homes. There was no other statutory provision that provided authority for this type of action and other statutory amendments would have taken significant time which was not feasible given the urgency associated with COVID-19 outbreaks in long-term care homes. Nor would it have been timely or feasible to amend or address each individual collective agreement in the long-term care sector to reflect the temporary measures needed to respond to the pandemic.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 158/20 (Limiting Work to a Single Retirement Home)

Description:

- This emergency order temporarily limited retirement home employees from working in other retirement homes, long-term care homes and health care settings and required retirement home licensees to ensure that employees who work in a home do not work for any other home or health service provider, including long-term care homes.
- The order came into effect on April 16, 2020, with the requirements limiting where retirement home staff can work coming into effect on April 22, 2020.

Why the emergency order was needed:

- The order was needed to reduce the movement of employees between facilities to ensure that an employee of one retirement home did not inadvertently transmit COVID-19 to individuals in other retirement homes or healthcare settings where that employee may have also worked.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Limiting the movement of staff between homes is beyond the scope of the Chief Medical Officer of Health's authority under the *Health Protection and Promotion Act*. Any statutory amendments would have taken significant time, which was not feasible given the urgency associated with COVID-19 outbreaks in retirement homes. Nor would it have been timely or feasible to amend or address

each individual collective agreement in the long-term care sector to reflect the temporary measures needed to respond to the pandemic.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

5. Providing cost relief to Ontarians

List of emergency orders issued intended to provide cost relief to Ontarians during the COVID-19 emergency:

O. Reg. 98/20 (Prohibition on Certain Persons Charging Unconscionable Prices for Sales of Necessary Goods)

Description:

- This emergency order prohibited retailers and persons who did not normally engage in the sale of necessary goods before March 17, 2020, from selling necessary goods for unconscionable prices. An “unconscionable price” was defined as a price that grossly exceeds the price at which similar goods are available to like-consumers, which is consistent with well-established principles from the *Consumer Protection Act, 2020* (CPA).
- It came into effect on March 27, 2020.

Why the emergency order was needed:

- As confirmed cases of COVID-19 in Ontario rose, necessary goods, including protective supplies such as masks and hand sanitizer, were in short supply and high demand. Some retailers and individuals were capitalizing on the demand for products by selling goods at prices higher than fair market values.
- This order was reasonable relative to other measures that could have been taken because it provided the timeliest response and approach in the opening days of the declared provincial emergency. The existing CPA legislative and regulatory provisions address unconscionable pricing in the context of individual consumer transactions but do not address the type of behavior exhibited in the period leading up to the declared provincial emergency. Given the need to ensure consumer access to reasonably priced necessary goods and to address marketplace failures no other feasible and timely measure was identified. This ensured that consumers had the necessary goods required to protect the health and safety of themselves and their families.

Amendments:

- The emergency order was amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA)*:

- The emergency order remained in place for the duration of the declared provincial emergency as there continued to be a high demand for necessary goods and consumer concerns about price gouging.
- The order is continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

O. Reg. 139/20 (Order Under Subsection 7.0.2(4) of the Act - Child Care Fees)

Description:

- This emergency order prohibited all child care providers from charging fees to parents where care was not being provided. It also prevented parents from being penalized (e.g. losing their child care space) as a result of fees not being paid during the closure period or parents withdrawing their children from care while the provider was open during the declared provincial emergency.
- It came into effect on April 9, 2020.

Why the emergency order was needed:

- Many parents were continuing to be charged fees by their child care providers for care that was not given during the declared provincial emergency.
- Although home child care providers overseen by licensed agencies and unlicensed providers were able to continue providing care during the declared provincial emergency, the order prohibited child care providers from charging fees to parents whose children were not receiving care.
- The order supported Ontario's economic recovery plan as many parents were facing increased financial and personal hardship due to COVID-19. Being required to pay child care fees while child care was not being provided placed additional undue hardship on these families.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach to resolve parent concerns regarding fees and maintaining child care spaces. The existing governing framework, the *Child Care and Early Years Act* (CCEYA), has limited regulation making authority and does not authorize a regulation that captures all child care providers to address child care fees and spaces (e.g. unlicensed child care providers and home child care providers would not be captured in a regulation under the CCEYA).

Amendments:

- The emergency order was amended on May 8, 2020, to ensure parents would not be penalized if they opted to withdraw their child from care during the declared provincial emergency.

Revocation/continuation under ROA:

- The emergency order was revoked on June 12, 2020, to allow a phased and controlled approach to re-opening child care, as child care is a critical support for parents and families to return to work.

O. Reg. 80/20 (Electricity Price for RPP Consumers)

Description:

- This emergency order temporarily enabled an off-peak price period for electricity consumers. The order applied the off-peak Time of Use (TOU) electricity rate of 10.1¢/kilowatt hour (kWh) to all periods of the day for Regulated Price Plan (RPP) customers paying TOU rates.
- It came into effect on March 24, 2020.

Why the emergency order was needed:

- The RPP TOU pricing plan has three pricing periods during the day (on-, mid- and off-peak) which are set to reflect the cost of producing power in those periods.
- The order enabled the government to deliver savings as quickly and conveniently as possible when customers needed support the most, with the off-peak price being applied automatically to electricity bills without the need for customers to fill out an application form.
- This order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not support rate relief for residential customers who were asked to stay home and businesses that may have closed or saw significantly fewer customers while still incurring electricity costs. It would not have been timely or feasible to make legislative or regulatory amendments as an immediate response was required to address changes in energy consumption as a result of school and non-essential business closures and work from home policies.

Amendments:

- The emergency order was amended on May 29, 2020, to transition RPP customers as of June 1, 2020, from the off-peak rate to a COVID-19 Recovery Rate, which was introduced to provide rate predictability and stability for residential, small business and farm customers during the COVID-19 recovery period.
- The order was also amended on July 15, 2020, to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/continuation under ROA:

- The emergency order remained in place for the duration of the declared provincial emergency because the circumstances that required its creation remained.
- The order was continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.