

## ONTARIO'S SECOND PROVINCIAL EMERGENCY AND WHAT IT MEANS FOR THE WORKPLACE

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On January 12, 2021, the Ontario government [declared a second provincial emergency](#) under section 7.0.1 (1) of the *Emergency Management and Civil Protection Act*, in response to the drastic rise in the number of COVID-19 cases in the province.

### Stay-At-Home Order

As part of the provincial emergency, Ontario has issued a stay-at-home order that will come into effect at 12:01 a.m. on Thursday, January 14, 2021, and will last for at least 28 days. This stay-at-home order requires that Ontarians remain at home except for certain permitted purposes, including going to the grocery store or pharmacy, accessing health care services, exercising, or working, where permitted. The province has mandated that "all businesses **must** ensure that any employee who can work from home, does work from home" (emphasis added).

In addition, outdoor organized gatherings will be limited to only five people, all non-essential retail stores may only be open between the hours of 7 a.m. and 8 p.m., and non-essential construction will be further restricted. Masks or face coverings are required for everyone in indoor areas of businesses and organizations, and are also recommended outdoors when it is not possible to maintain physical distancing of at least two metres. Of note, the stay-at-home order does not define what work or jobs are essential.

### New Workplace Safety Measures

The Ministry of Labour, Training and Skills Development is also launching the "Stay Safe All Day" campaign, which aims to protect workers by focusing workplace inspections in areas of high transmission and providing new educational materials to employers on promoting safe behaviour in the workplace.

The "Stay Safe All Day" campaign is in response to workplace inspections that show that, while the majority of workplaces appear to be following COVID-19 safety protocols while working, they may forget about them in break rooms, in vehicles, or when not "on the clock". As part of the campaign, safety inspectors will focus on workplaces with reported COVID-19 outbreaks, manufacturing businesses, warehouses, distribution centres, food processing operations, construction projects and essential, publicly accessible workplaces, such as grocery stores.

If an employee becomes infected with COVID-19, they may be entitled to federally funded paid sick leave of **up to \$500 per week for two weeks**. This is in addition to Canada's Recovery Caregiver Benefit, which provides up to \$500 per week for up to 26 weeks to those who are unable to work because they must care for a child under 12 years of age or a family member in need of supervised care.



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## Enforcement Measures

All provincial offences officers, including the Ontario Provincial Police, local police forces, bylaw officers, and provincial workplace inspectors, have the authority to issue tickets to individuals who do not comply with the stay-at-home order, not wearing a mask or face covering indoors in places open to the public, and retail operators and companies not enforcing the ongoing and new COVID-19 regulations and orders.

## What this means for Ontario Employers

Employers need to ensure that their employees are aware of the changes and that they take active steps to ensure their employees are following the guidelines and regulations with respect to COVID-19. Failing to do so may result in a fine, prosecution, or the (temporary) closure of a business. Employers are reminded to ensure their employees are aware of the federal government funding available to them in the event time off due to COVID-19 is required. Businesses open pursuant to [O. Reg. 82/20: Rules for Areas in Stage 1 under the Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020, S.O. 2020, c. 17](#) are reminded that they are required to have a written COVID-19 Safety Plan in place.

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