

# Provincial Emergency Operations Centre

## COVID-19 Response – Questions and Answers

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### What's new: 2020-03-29

#### Provincial declaration

**Does the emergency order prohibiting public gatherings of more than five people apply to gatherings in places of worship, weddings, and funerals?**

The new emergency order applies to organized public events and social gatherings. This includes weddings and communal services within places of worship. This includes events and gatherings even if they are held in private dwellings.

Funerals would be permitted to proceed with up to 10 people at one time.

Specific details of the new emergency order can be found in [OIC 80/2020](#).

**Does the emergency order prohibiting public gatherings of more than five people apply to families of more than five people?**

No. The new emergency order does not apply to a gathering of members of a single household. Specific details of the new emergency order can be found in [OIC 80/2020](#).

**Does the emergency order prohibiting public gatherings of more than five people apply to essential businesses, such as grocery stores?**

No. The new emergency order only applies to organized public events and social gatherings. Specific details of the new emergency order can be found in [OIC 80/2020](#).

Essential businesses are permitted to continue operating, following the conditions under the [emergency order to close places of non-essential business \(O.Reg 82/20\)](#).

Child-care centres supporting frontline health care workers and first responders are limited to a maximum of 50 persons, including any children. Further details on the limits for child-care centres can be found in [OIC 81/2020](#).

**Where can we find an official copy of the provincial emergency declaration and emergency orders?**

The Order in Council 518/2020 for the declaration of emergency can be found at the following link: <https://www.ontario.ca/orders-in-council/oc-5182020>

A list of orders with links to their specific texts can be found at the following link: <https://www.ontario.ca/page/emergency-information>

# All previous questions and answers

## Provincial declaration

### **What does a declaration of Provincial Emergency enable the province to do?**

Under the *Emergency Management and Civil Protection Act (EMCPA)*, upon declaring a provincial emergency, the Lieutenant Governor In Council (LGIC) has the authority to make orders. The purpose of making orders is to promote the public good by protecting the health, safety and welfare of the people of Ontario. The LGIC may make orders that the LGIC believes are necessary and essential in the circumstances to prevent, reduce or mitigate serious harm to persons or substantial damage to property, if the LGIC is of the opinion that:

- a. The harm or damage will be alleviated by an order; and
- b. Making an order is a reasonable alternative to other measures that might be taken to address the emergency

The EMCPA allows for 14 types of orders, the making of which can be delegated by the LGIC to a minister or to the commissioner of emergency management.

1. Implementing any emergency plans formulated under the *EMCPA*.
2. Regulating or prohibiting travel or movement to, from or within any specified area.
3. Evacuating individuals and animals and removing personal property from any specified area and making arrangements for the adequate care and protection of individuals and property.
4. Establishing facilities for the care, welfare, safety and shelter of individuals, including emergency shelters and hospitals.
5. Closing any place, whether public or private, including any business, office, school, hospital or other establishment or institution.
6. To prevent, respond to or alleviate the effects of the emergency, constructing works, restoring necessary facilities and appropriating, using, destroying, removing or disposing of property.
7. Collecting, transporting, storing, processing and disposing of any type of waste.
8. Authorizing facilities, including electrical generating facilities, to operate as is necessary to respond to or alleviate the effects of the emergency.
9. Using any necessary goods, services and resources within any part of Ontario, distributing, and making available necessary goods, services and resources and establishing centres for their distribution.
10. Procuring necessary goods, services and resources.

11. Fixing prices for necessary goods, services and resources and prohibiting charging unconscionable prices in respect of necessary goods, services and resources.
12. Authorizing, but not requiring, any person, or any person of a class of persons, to render services of a type that that person, or a person of that class, is reasonably qualified to provide.
13. Requiring that any person collect, use or disclose information that in the opinion of the LGIC may be necessary in order to prevent, respond to or alleviate the effects of the emergency.
14. Consistent with the powers authorized in this subsection, taking such other actions or implementing such other measures as the LGIC considers necessary in order to prevent, respond to or alleviate the effects of the emergency.

Under section 7.1 of the *EMCPA*, LGIC may make orders to assist victims of an emergency by temporarily suspending laws and replacing them if required.

All emergency orders must be consistent with the *Canadian Charter of Rights and Freedoms*.

#### **Where can I find the details of the provincial emergency declaration?**

The details of the provincial emergency declaration can be found at the following link: <https://news.ontario.ca/opo/en/2020/03/ontario-enacts-declaration-of-emergency-to-protect-the-public.html>

#### **Who is responsible for enforcing fines for a violation of an emergency order made under the *Emergency Management and Civil Protection Act*?**

Police are responsible for enforcing emergency orders under the *Emergency Management and Civil Protection Act*. Offenses are described under s7.0.11 under the act, and set fines have been established by the Ontario Court of Justice:

<https://www.ontariocourts.ca/ocj/how-do-i/set-fines/changes-to-the-consolidated-set-fine-schedules/schedule-4-0-1-2020-03-18/>

#### **Where is the emergency funding announced by the Premier being allocated?**

Ontario is investing \$304 million to enhance the province's response to COVID-19. Further details can be found at the following link:

<https://news.ontario.ca/opo/en/2020/03/ontario-enacts-declaration-of-emergency-to-protect-the-public.html>

**Does the emergency order closing restaurants and other establishments impact municipal services like homeless serving shelters, soup kitchens or women’s shelters?**

Local public health officials should be consulted on the operation of these types of services. The emergency orders made under the provincial declaration of emergency do not specifically prohibit the operation of municipal services like homeless serving shelters, soup kitchens or women’s shelters, but local public health officials may have additional restrictions or guidance that should be followed.

**Should college and university food halls / cafeterias stay open to serve students in residence?**

Cafeterias should provide food for takeout, rather than allow students to dine-in. Local public health authorities should be consulted for further advice. Public health units are listed online at the following link:

<http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>

**How do I know if a workplace is considered an essential service that can stay open under the emergency order?**

A list of essential services can be found online at <https://www.ontario.ca/page/list-essential-workplaces>. Businesses who have questions about closures of at-risk workplaces or how emergency measures impact their business or employment can call the Stop the Spread Business Information Line at 1-888-444-3659

Please note that this order does not preclude the provision of work and services by entities not on this list either online, by telephone or by mail/delivery. Note that teleworking and online commerce are permitted at all times for all businesses.

**For the purposes of WSIB coverage, does the provincial declaration of emergency allow volunteers to be considered workers?**

WSIB coverage of volunteers depends on the specific circumstances. Municipalities and other employers should consult with the WSIB or their professional advisors (e.g., legal counsel) to ensure they have proper coverage. Contact details for the WSIB can be found at the following link: <https://www.wsib.ca/en/contact-us>

**Will there be any changes to the minimum highway maintenance standards under the declared emergency to reduce staff workload?**

The Minimum Maintenance Standards (MMS) provide municipalities with guidelines for maintaining their highways according to the road maintenance industry’s best practices

and standards. As the MMS are voluntary, we do not intend, at this time, to make changes to the regulation.

The province does not mandate that municipalities meet the MMS. However, if a municipality wishes to use the MMS as a legal defence in court proceedings, the municipality must have met the standard of care outlined in the regulation and be able to prove this through accurate and verifiable recordkeeping.

Municipalities may benefit from reviewing their municipal maintenance schedules, working with their municipal councils. In addition, municipalities may want to review other relevant sections of the Municipal Act, such as s43.3B “Reasonable Steps”.

With regard to Ministry of Transportation (MTO) maintained provincial highways, MTO is working with contractors to ensure that operators and equipment are available to respond to highway incidents and winter storms.

Any further questions can be directed to the MTO duty officer:

[Emergency.MTO@ontario.ca](mailto:Emergency.MTO@ontario.ca)

## **Municipal declaration**

### **Now that the Premier has made a provincial emergency declaration, is it necessary or advisable for municipalities to also make an emergency declaration?**

The provincial declaration of an emergency is separate from a municipal declaration of emergency. The decision to declare a municipal emergency remains with the head of council in each municipality.

### **Are municipalities automatically considered to have declared an emergency, now that a provincial declaration of emergency has been made?**

No. The provincial declaration of an emergency is separate from a municipal declaration of emergency.

### **When should a municipality declare an emergency?**

A municipal declaration of an emergency is at the discretion of the municipality’s head of council. There are a few considerations that could inform the decision to declare:

#### **Authority to Declare an Emergency**

The *Emergency Management and Civil Protection Act (EMCPA)* S. 4(1) states “The head of council of a municipality may declare that an emergency exists in the

*municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area.”*

### Reasons to Declare an Emergency

Some reasons that could be considered in the decision to declare an emergency or not are:

- A declaration of emergency provides a municipality’s head of council the authority to take actions or make orders, which are not contrary to law, in order to protect the inhabitants in the area of the emergency;
- If volunteers are being employed by the municipality in support of the emergency, it can provide those volunteers with WSIB protection; or
- It can demonstrate to their residents that the municipality is taking the current situation seriously and is taking every step that they can to protect them from the threat.

### Authorities When an Emergency is Declared

The declaration of an emergency in a municipality provides the head of council the ability to take actions and make orders that they consider to be necessary to protect the property, health, safety and welfare of the inhabitants of the emergency area. These actions or orders cannot be contrary to law, which means that if the head of council doesn’t have the authority to do something, or to order something otherwise, an emergency declaration will not provide them with this authority.

The *EMCPA* s.4(3) requires the head of council to ensure that the Solicitor General is notified forthwith of a declaration made under subsection (1) or (2). R.S.O. 1990, c. E.9, s. 4 (3). This is generally done through phone call and faxed form to the Provincial Emergency Operations Centre.

### **What an Emergency Declaration Does Not Provide**

An emergency declaration does not provide a head of council, nor anyone else in a municipality, with any extraordinary authorities that are not otherwise provided for in law. For example, a head of council will not have the authority to order a private business or service to cease operations or to close by virtue to having declared an emergency.

The declaration of an emergency also does not provide access to any funding programs to assist with the extraordinary costs of an emergency. Questions regarding municipal funding should be directed to your local municipal services office.

<https://www.ontario.ca/page/find-your-municipal-services-office>

If you have any further questions about the potential to declare an emergency in response to the COVID-19 pandemic, please send an email to the PEOC duty officer at [peocdo01@ontario.ca](mailto:peocdo01@ontario.ca).

### **What kind of orders can municipalities make?**

Municipalities can make orders that fall within the scope of their authority as provided for in the *Municipal Act* or the *City of Toronto Act*. The *Emergency Management and Civil Protection Act (EMCPA)* does not permit any additional orders for municipalities.

### **Do municipalities have the power to close a business under an emergency declaration?**

The *EMCPA* does not give powers to municipalities to order a business to close. However, municipalities have powers under the *Municipal Act* to make by-laws forcing businesses to close.

### **Do provincial orders take precedence over municipal orders?**

Provincial legislation takes precedence over municipal legislation. Municipal powers are defined by provincial legislation.

## **Mandatory quarantine**

**The public alert sent on Friday March 27<sup>th</sup> indicates “travelers returning to Ontario” must self-isolate. Is this only international travelers, or does it include people returning from other provinces?**

The instructions in the public alert apply to those returning from outside the country. It is not meant to apply to individuals returning to Ontario from other provinces.

The federal government has issued an order under the Quarantine Act that requires individuals entering Canada to self-isolate for 14 days. Further information can be found at the following link: <https://www.canada.ca/en/public-health/news/2020/03/new-order-makes-self-isolation-mandatory-for-individuals-entering-canada.html>

**Who is responsible for enforcing the federal order on mandatory self-isolation for individuals entering Canada? Is there any guidance or information that can be shared with municipalities on what is required for tracking and enforcement?**

Ontario’s Ministry of the Solicitor General has been working with the federal government to identify how Ontario’s law enforcement personnel can provide enforcement support.



Enforcement actions will depend on specific situations and advice that local enforcement personnel receive from federal public health officials.

## **Health and public health**

**Where is the best location for local municipalities to receive the most up to date and accurate information? Some report that their local public health units are not communicating effectively.**

The Ministry of Health provides daily updates at 10:30 a.m. and 5:30 p.m. at the following link: <https://www.ontario.ca/page/2019-novel-coronavirus>

**Where can I find disinfecting guidelines to mitigate the spread of COVID-19?**

Public Health Ontario has prepared a series of fact sheets, including “Cleaning and Disinfection for Public Settings” that can be found at the following link:

<https://www.publichealthontario.ca/en/diseases-and-conditions/infectious-diseases/respiratory-diseases/novel-coronavirus/public-resources>

**Are there any guidelines around event planning?**

All organized public events of over fifty people are prohibited, including parades and events and communal services within places of worship.

**What should the messaging be for people who have travelled recently?**

Refer to the Ministry of Health’s website for the most up-to-date guidance, under the heading “Travellers returning from affected areas”, which can be found at the following link: <https://www.ontario.ca/page/2019-novel-coronavirus>

**Can we differentiate quarantine vs self-isolation?**

Quarantine is an order for a person to remain isolated to prevent the spread of a communicable disease under the federal *Quarantine Act* or by a local medical officer of health or the chief medical officer of health under Ontario’s *Health Protection and Promotion Act*. Self-isolation is when a person is recommended to isolate themselves to prevent the spread of a communicable disease.

**Is there any guidance on when a building should be closed as a result of the COVID-19?**

Local public health units should be consulted regarding building closures (and other public health threats) as local medical officers of health can order a building closed under the *Health Protection and Promotion Act* for a threat to public health.

**Is there guidance for what staff should do if an individual is found to be positive for COVID-19 at a shelter, warming centre, or other similar municipal facility?**

The local public health unit should be consulted with for guidance on dealing with those who have tested positive for COVID-19 in municipal sheltering systems. Public health units are listed online at the following link:

<http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>

**Are there provisions in place to get small-scale COVID-19 testing for employees working in local essential services?**

While the Ministry of Health is examining this issue, there are no provisions for this presently. As more information becomes available, it will be added to this Q&A.

**What is the appropriate Personal Protective Equipment (PPE) to protect first responders and other frontline staff from exposure to COVID-19?**

Public Health Ontario has been monitoring the scientific evidence on how the virus is transmitted. They have concluded based on evidence that COVID-19 is spread through contact or droplets. There currently is no evidence to confirm airborne spread of the virus. This means that N-95 respirators are only required for specific medical procedures that generate aerosol. Appropriate precautions against contact / droplet transmission include surgical masks, gloves, gowns, eye protection, and meticulous hand hygiene.

The Associate Chief Medical Officer of Health issued a memorandum to the Ministry of the Solicitor General recommending the use of surgical masks (and not N-95 respirators) for frontline fire and police service staff in circumstances where they may experience exposure to members of the public who are symptomatic.

Furthermore, it is recommended that the following controls be put in place before resorting to PPE:

- Providing services virtually where possible or curtailing non-essential services
- Engineering controls (like plexiglass windows and barriers)
- Administrative controls (passive AND active screening)
- Physical distancing of two meters and hand hygiene should be practiced at all times.

**Are there any provincial guidelines for setting up temporary morgues for mass fatality?**

There are a number of local considerations and factors that go into setting up temporary morgues. Questions should be directed to the Regional Supervisory Coroner. Contact information for Regional Supervisory Coroners can be found at the following link:

<http://www.infogo.gov.on.ca/infogo/home.html#orgProfile/-155/en>

## **Can a non-hospital facility be used to support an existing hospital, or be set up as a temporary hospital location?**

In order to increase capacity in the health system, the Ministry of Health has given general approval to all public hospitals under subsection 4(2) of the *Public Hospitals Act* to operate and use an institution, building or other premises or place (“premises”) for the purposes of a hospital, provided that certain conditions are met. Further details have been provided by the Ministry of Health to all public hospitals in Ontario.

## **Supplies for the health sector**

### **Who is currently coordinating the provision of personal protective equipment and other supplies for the health sector?**

The Ministry of Health is working to ensure providers have supplies at the right time and in the right place, based on evidence, to deal with increased demand. The ministry’s goal is to steward supply inventories to make appropriate use of existing supplies and maintain the valuable use of them when it is most necessary (e.g. during an active outbreak).

The ministry is working with health sector partners to understand supply inventories across the health system and is collecting information from public health units, hospitals, emergency services, long-term care, home and community care and interprofessional primary care teams.

We are also working with manufacturers and supply chain organizations to understand their approach and available inventories and are in touch almost daily.

### **What is the global status of Personal Protective Equipment (PPE) supplies?**

Due to the increased demand for supplies globally, manufacturers are prioritizing regions experiencing an outbreak of COVID-19 and, therefore, those areas most in need of supplies. Manufacturers are reviewing PPE and supply orders on a case-by-case basis and are not filling orders automatically. That means that if health care organizations are putting in new, rush orders that are for items not routinely ordered or larger than usually submitted, they are being told that those orders are not being processed. The ministry has been assured that manufacturers are prioritizing PPE orders where there are active cases or where there is critically short supply.

It is important that health care organizations steward their supply inventory to make appropriate use of existing supplies and maintain the valuable use of them when it is most necessary.

The hierarchy of controls includes those directed at the source (engineering controls), along the path (administrative controls) and, finally, at the worker (PPE).

- Health care organizations should minimize the number of workers who need to use PPE through the preferential use of engineering and administrative controls.
- Prompt screening is one of the administrative controls that matters most in ensuring possible patients are quickly identified and moved to an isolated area and, in some settings, re-directed as appropriate. This will reduce the risk to other staff and patients.

Health care organizations have reported issues of disappearing supplies (specifically surgical/procedure masks and N95 respirators). Health care organizations should consider ways in which to secure their supplies while still ensuring staff can readily access PPE.

## **Essential services and workers**

### **Is Canada Post considered an essential service?**

Yes. However, Canada Post may experience delays or post office closures due to circumstances beyond their control. If post offices must close, customers will be redirected to the next closest location. Customers should refer to Canada Post's website for the latest updates: <https://www.canadapost.ca>

### **Is there any child care support for employees who are deemed to be essential?**

Ontario plans to exempt certain child care centres from the order to close all licensed child care centres pursuant to the emergency declaration earlier this week. This initiative is being done in partnership with service system managers and First Nations partners. Once emergency child care centres open, a list of locations will be made available on [ontario.ca/coronavirus](https://ontario.ca/coronavirus). Further details can be found at the following link: <https://news.ontario.ca/edu/en/2020/03/province-takes-steps-to-ensure-frontline-staff-can-continue-to-work.html>

## **Continuity of operations**

### **How can a municipal council continue to support the public without holding public meetings?**

Ontario passed the *Municipal Emergency Act, 2020* amending the *Municipal Act, 2001* and the *City of Toronto Act, 2006* to include provisions for electronic meetings. The text can be found at the following link: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-187>

Further questions should be directed to your local municipal services office. Contact details can be found at the following link: <https://www.ontario.ca/page/find-your-municipal-services-office>

### **Are there any resources available to help with municipal continuity of operations (COOP) planning?**

Community Emergency Management Coordinators (CEMCs) have access to the CEMC handbook, which contains useful templates and checklists. The handbook can be found online at <https://emergencymanagementontario.ca/login.aspx>

Attached to this distribution is a toolkit for Continuation of Operations Plan decision making developed through the Ontario Critical Infrastructure Assurance Program.

## **Courts**

### **What is the Continuity of Operations Plan responsibility for Provincial Offences Act Courts?**

All *Provincial Offences Act* matters scheduled from Monday, March 16, 2020 through to and including Friday, April 3, 2020 will be adjourned and rescheduled to a later date.

<https://www.ontariocourts.ca/ocj/notice-to-public-regarding-provincial-offences-act-matters/>

### **If municipalities are responsible for maintaining Provincial Offences Act courts, where is the legislation/ documentation that states this?**

In Ontario, municipalities administer the courts in which Provincial Offences Act (POA) matters are heard. The Ministry of Attorney General entered into a Memorandum of Understanding with municipalities to administer POA matters. The transfer to 52 municipal partners started in 1999 and was completed in 2002.

Under section 2.1 of the Emergency Management and Civil Protection Act, municipal emergency management programs:

2.1 (1) Every municipality shall develop and implement an emergency management program and the council of the municipality shall by by-law adopt the emergency management program. 2002, c. 14, s. 4.

Same

(2) The emergency management program shall consist of:

- (a) an emergency plan as required by section 3;
- (b) training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;

- (c) public education on risks to public safety and on public preparedness for emergencies; and
- (d) any other element required by the standards for emergency management programs set under section 14. 2002, c. 14, s. 4.

## **Provincial assistance**

### **What should our municipality do to ensure continuity of operations during a pandemic?**

Municipalities should be prepared to enact their Continuity of Operations (COOP) Plans in the event that time-critical services are affected by an outbreak.

For specific COOP planning questions, please contact the PEOC duty officer, and copy your Office of the Fire Marshal and Emergency Management field officer. A COOP planning toolkit has been circulated.

\*Direct Tel: 416-314-0472 or 1-866-314-0472

\*Email: [peocdo01@ontario.ca](mailto:peocdo01@ontario.ca)

### **Is there any plan in place to deliver food to people should the self-isolation protocols lead to a large number of people staying in their homes?**

Food deliveries would be coordinated at the municipal level under municipal emergency response plans. Many municipalities have agreements in place with non-governmental organizations to assist them with this type of support. If a municipality is unable to arrange this, they should inform the province through the PEOC duty officer:

\*Email: [peocdo01@ontario.ca](mailto:peocdo01@ontario.ca)

### **What help can the province provide to support our response to COVID19?**

Specific questions can be sent to the PEOC duty officer, and copy your Office of the Fire Marshal and Emergency Management field officers, who can help to find answers.

\*Direct Tel: 416-314-0472 or 1-866-314-0472

\*Email: [peocdo01@ontario.ca](mailto:peocdo01@ontario.ca)

### **Who can be contacted about utilizing provincial/ federal facilities (i.e. Armouries)?**

Municipalities should ensure that they have exhausted all other options before making a request to use a provincial or federal facility. Any questions regarding the use of provincial or federal facilities should be directed to the Provincial Emergency Operations Centre Duty Officer.

\*Direct Tel: 416-314-0472 or 1-866-314-0472

\*Email: [peocdo01@ontario.ca](mailto:peocdo01@ontario.ca)

## **Other**

### **Are there job protections for employees who are in self-isolation or quarantine due to COVID-19?**

The Ontario Legislature passed the *Employment Standards Amendment Act (Infectious Disease Emergencies)*, 2020 on March 19, 2020. This act provides job protections for employees unable to work due to COVID-19. For more details, refer to the following link: <https://news.ontario.ca/opo/en/2020/03/employment-standards-amendment-act-infectious-disease-emergencies-2020.html>

### **In light of COVID-19, will you be reaching out to communities for the hosting of evacuees from Northern communities?**

The Provincial Emergency Operations Centre (PEOC) is currently engaging in advanced planning for flooding and forest fires. As with emergencies in previous years, there may be a need to evacuate communities in order to protect lives. The PEOC is working with ministry partners to develop a plan to do this safely, with consideration for the COVID-19 pandemic.

### **Where can I access information on Non-Government Organizations (NGOs) providing emergency services?**

The NGO Alliance has developed a handbook with information on major NGOs in Ontario with a role in emergency management. The handbook can be accessed at the following link: <https://oaem.ca/wp-content/uploads/2019/01/2018-NGO-Alliance-Handbook-VER-02-low-res-PDF-reducedfilesize.pdf>

### **If there is no language in a collective agreement that specifically speaks to emergencies, what authorities does the employer have to make changes on items that may be needed in a declared emergency, such as hours of work or redeployment, assuming they don't contravene law.**

Ministries' are not in a position to provide legal advice to municipalities. Issues surrounding the employer's collective agreement should be referred to the employer's Human Resources, Labour Relations staff or the employers legal counsel.