

Back in Business? Strict Requirements and Other Considerations for Ontario Employers as Select Businesses are Permitted to Reopen

May 15, 2020

By Daniel Wong, John Wilkinson, Megan Mah, and Max Skrow

On May 14, 2020, the Province of Ontario issued its “Detailed List of Stage 1 Openings”.^[1] Effective May 19, 2020, Ontario will enter “Phase 2” of the Province’s three-phase “Framework for Reopening our Province”,^[2] as businesses that fall within the scope of this list will be permitted to reopen, provided they comply with strict health and safety requirements, as well as industry-specific operational requirements.

The list permits the following industries to reopen, subject to a number of caveats and qualifications that employers should carefully review before deciding whether to reopen:

- Construction;
- Retail;
- Vehicle Dealerships and retailers;
- Office-based media operations;
- Select scheduled surgeries;
- Select health services;
- Libraries;
- Marinas;
- Individual (i.e. non team-based) recreational sports;
- Individual sports competitions without spectators;
- Professional services related to research and development;
- Emissions inspection facilities;
- Veterinary and select other animal services;
- Indoor and outdoor household services; and
- General maintenance services.

In announcing the list of Stage 1 openings, Premier Ford cautioned that “businesses should open only if they’re ready” because “we cannot let our guard down now” in our fight against the COVID-19 pandemic. Employers should therefore consider adopting a cautious approach to reopening, and in particular should consider the following:

- Prepare a return to work checklist of the various steps and measures to be taken to protect the health and safety of workers (as well as customers, if applicable);
- Appoint a member of management as the company’s “Transition Officer” who will oversee the return to work and re-opening process;

- Ontario's March 28, 2020 prohibition on organized public events and social gatherings of more than five (5) people currently remains in effect;
- Businesses must abide by strict health and safety requirements (fortunately, the government has released a series of industry-specific guidance documents which you can learn about [here](#));
- Employers should familiarize themselves with the process for responding to work refusals from employees who feel unsafe returning to work (which you can read about [here](#));
- Employers must ensure that employees and clients/patrons are free from discrimination on human rights grounds, and are accommodated to the extent required by law; and
- Employers should update their workplace policies in response to the "new normal" business environment.

When asked when Ontario might proceed to "stage 2" and further ease restrictions on businesses, Premier Ford advised that "there is no timeframe" for that process. That said, the government's decision-making process in this regard is set out in its "Framework for Reopening our Province", which you can read about [here](#).

WeirFoulds' employment law group is monitoring these developments and will be providing updates as the COVID-19 situation progresses. For more information regarding the details in this article, please contact Daniel, John or Megan.

[1] The list can be downloaded here: https://files.ontario.ca/mof-detailed-list-stage-1-openings-en-2020-05-14.pdf?_ga=2.203222866.258283864.1589480928-786380303.1588960550

[2] The framework can be downloaded here: <https://files.ontario.ca/mof-framework-reopening-province-stage-1-en-2020-05-14.pdf>

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.

For more information or inquiries:



Daniel Wong

Toronto
416.947.5042

Email:
dwong@weirfoulds.com

Daniel Wong is Chair of the Firm's Employment & Labour Practice Group with a practice that is focused on employment and labour relations.



John Wilkinson

Toronto
416.947.5010

Email:
jwilkinson@weirfoulds.com

John Wilkinson practises corporate and commercial law for universities, not-for-profit organizations, charities, self-regulatory bodies, owner-managed businesses, and associations (including industry associations and sport organizations).



Megan Mah

Toronto
416.947.5098

Email:
mmah@weirfoulds.com

Megan Mah has a diverse practice that focuses on human rights, employment, civil litigation, administrative and constitutional law.

Toronto

Email:

WeirFoulds^{LLP}

www.weirfoulds.com

Toronto Office

4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Tel: 416.365.1110
Fax: 416.365.1876

Oakville Office

1320 Cornwall Rd., Suite 201
Oakville, ON L6J 7W5

Tel: 416.365.1110
Fax: 905.829.2035