

Ontario Introduces further COVID Restrictions and Promises \$300 million to help Businesses Weather the Storm: What Employers Need to Know

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With COVID-19 cases on the uptick, the Ontario government has imposed modified Stage 2 restrictions in the Ottawa, Peel and Toronto regions. The following measures will be in place effective Saturday October 10, 2020 for a minimum period of 28 days with the possibility of renewal following review:

- reduced limits for social gatherings and public events to a maximum of 10 people indoors and 25 people outdoors (this restriction will apply to wedding receptions starting Tuesday October 13, 2020);
- prohibition of indoor service in restaurants, bars, nightclubs and shopping mall food courts;
- closure of indoor gyms and fitness centres, casinos and other gaming establishments, indoor cinemas, performing arts centres and venues, spectator areas in racing venues, interactive exhibits or exhibits with high personal risk of contact in museums, galleries, zoos, science centres, etc.;
- prohibition of personal care services where face coverings must be removed (e.g. makeup application, beard trimming);
- reduced capacity limits for tours, real estate open houses, in-person teaching such as cooking classes (but excluding schools, universities, private colleges, etc.), and meeting and event spaces, to match the limits for outdoor and indoor social gatherings; and
- limitation of team sports – teams may hold training sessions but not games or scrimmages.

While the Ontario government has made no mention of expanding the reach of these restrictions, employers outside of the Ottawa, Peel and Toronto regions should monitor the prevalence of COVID in their respective regions and develop a plan for implementing similar restrictions should they be imposed. Employers in the Ottawa, Peel and Toronto regions who will have to reduce their operations in response to these restrictions should consider making use of Ontario's Infectious Disease Emergency Leave regulation,^[1] and affected employees should consider applying for the newly-introduced Canada Recovery Benefit.^[2] Further, employers should note that these regions are designated as "enhanced measures zones" and are therefore subject to enhanced social distancing, contact tracing and screening requirements.^[3] Businesses that remain open in the Ottawa, Peel and Toronto regions are encouraged to review their obligations under Ontario's laws and regulations and to consult legal counsel to ensure compliance.

Additionally, in an effort to mitigate the impact of these restrictions on small businesses, Ontario will be providing \$300 million to assist affected businesses with their fixed costs such as property taxes and energy bills. This support will be made available in the regions affected by the new restrictions. More details regarding this new funding are expected in the coming days.

Note that the relevant regulation may contain greater detail than is provided above. The above is based on the government publications and press releases available to date.

WeirFoulds' employment law group is monitoring these developments and will be providing updates as the COVID-19 situation progresses. For more information on how to respond to COVID-19 in your workplace or organization, please contact Daniel, John or Max.

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.

[1] <https://www.weirfoulds.com/a-cautious-reopening-ontario-extends-the-deemed-covid-19-emergency-leave-to-january-2021>

[2] <https://www.weirfoulds.com/multiple-choice-canada-to-replace-cerb-with-new-and-revised-income-support-programs-for-employees>

[3] <https://www.ontario.ca/laws/regulation/200364>. For more on workplace COVID screening, click here: <https://www.weirfoulds.com/ontario-issues-a-new-covid-19-screening-tool-for-workplaces>

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