

Business as Usual-ish: Construction Activities and a New Lockdown for Ontario

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By James De Melo

Although Ontario is heading back into lockdown starting this Boxing Day, for those in the construction industry it remains very much business as usual (which is to say, “usual” within the meaning of the last six months). Beginning at 12:01 AM on Saturday, December 26, 2020, the Ontario provincial government is reinstituting restrictions on organized events, social gatherings, and the workplaces that can remain open. For the time being this new lockdown will last until January 9, 2021 for areas in Northern Ontario and January 23, 2021 for those areas of Southern Ontario more impacted by COVID-19.

For the construction industry, the new provincial lockdown changes very little. Residential construction, infrastructure work, commercial projects, renovations, and everything in between can continue post-Boxing Day across Ontario. If work on a specific project was permitted under the previous lockdown rules, that work will be permitted to continue after December 26, 2020. New projects, too, will be able to start provided they meet the broad definition established for construction activities. Aside from extending the lockdown rules already impacting Southern Ontario across the rest of the Province, the new lockdown does not impose any substantive changes on construction activities.

With the above being said, it is important to remember that the fact that construction activities are permitted does not mean the provincial guidelines have no impact on construction activities. Instead of limiting the types of activities that may be undertaken, the new lockdown extends the application of all public health and safety guidance provincewide—affecting how work can be performed.

Provincially mandated public health measures require all businesses that choose to remain active during the lockdown to develop a comprehensive safety plan to ensure that risk is mitigated. As a starting point, those involved in construction activities are advised to consider the guidance provided by the Government of Ontario in its latest advisory notice regarding the provincewide shutdown, which can be found [here](#).

Every construction activity is unique, however, and special attention will need to be paid to the specific needs of each project. Among other things, every business involved with construction during the lockdown will need to plan for cleaning and disinfection protocols, capacity limits, face coverings, physical distancing, and the provision of personal protective equipment for everyone entering the site. Those in charge of construction projects will also need to develop a [COVID-19 Safety Plan](#) dealing with the specific requirements of each project and will need to post the completed plan in a prominent location around the work.

For assistance with any of these requirements, including help with determining whether specific work meets the definition of a “construction activity” and assessing the sufficiency of safety measures, please contact [Faren Bogach](#), [Paul Conrod](#) or [James De Melo](#).

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.



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