

Ontario Declares Emergency and Issues Stay-at-Home Order: What are the Implications for Employers?

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Ontario has declared a second provincial emergency under the *Emergency Management and Civil Protection Act* in response to the growing number of COVID-19 cases in the province. **Effective Thursday, January 14 at 12:01 a.m.**, the Ontario government is imposing a **stay-at-home order** requiring Ontarians to remain at home, with exceptions for permitted purposes or activities such as going to the grocery store or pharmacy, accessing health care services, for exercise, or for essential work.

Key Changes to Public Health Restrictions:

- Employees are to work from home with limited exception, for instance, where the nature of their work requires them to be on-site at the workplace;
- Masks are mandatory indoors at businesses that remain open, subject to certain exceptions [\[1\]](#). Employees performing work for a business in an area that is not accessible to members of the public (e.g. a private office) and in which the employees are able to maintain two metres of distance from other persons need not wear masks indoors. Masks are also now recommended outdoors where physical distancing of two metres is not possible;
- All non-essential retail stores, including, hardware stores, alcohol retailers, and those offering curbside pickup can only operate between 7 a.m. and 8 p.m.;
- The restricted hours of operation do not apply to stores that primarily sell food, pharmacies, gas stations, convenience stores, and restaurants for takeout or delivery;
- Non-essential construction is further restricted with certain exceptions; and
- Outdoor gatherings are restricted to five (5) people with limited exceptions, consistent with first-wave lockdown rules;

These measures are aimed at limiting mobility and reducing the number of daily contacts with those outside an immediate household to help stop the spread of COVID-19. All other orders currently in force in relation to Ontario's 'zones' currently remain in effect. The entire Province is currently in the 'Grey Zone'[\[2\]](#).

Ontario has **not** announced paid sick leave for workers. Employers, however, should be aware of the various statutory leaves that are available to employees under the Ontario *Employment Standards Act, 2000* ("ESA"), including the infectious disease emergency leave, as well as financial support benefits available to employee from the federal government, including the Canada Recovery Sickness Benefit (CRSB) and the Canada Recovery Caregiving Benefit (CRCB). Recently, the Ontario government also extended the "COVID-19 period" which provides employers with additional relief from the temporary layoff provisions of the ESA[\[3\]](#). Employers should also be aware that public health authorities in Ontario have begun to publicly name some employers that have COVID-19 outbreaks at the workplaces[\[4\]](#).

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 Wong](#)

, [John Wilkinson](#) or [Max Skrow](#).

[\[1\]](#) Pursuant to Ontario Regulation 82/20, businesses must ensure that any person in an indoor area, or in a vehicle that is operating as part of the business, wears a face mask unless the person falls within any of a number of exceptions, which include children under the age of two, persons attending schools or child care programs, persons at youth correctional facilities, persons performing or rehearsing a film, television production, concert or other such performance, persons with a medical condition that inhibits mask wearing, persons who are unable to put on a mask without assistance, and persons who are being accommodated in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005* or under the *Human Rights Code*.

[\[2\] Ontario Announces Province Wide Shutdown: What Does this Mean for Employers?](#)

[\[3\] Stop the Clock: Ontario Again Extends the Deemed COVID-19 Emergency Leave and Introduces Flexibility for Layoffs in Unionized Workplaces](#)

[\[4\] Comply or Beware: Toronto to Begin Naming Employers With COVID-19 Outbreaks](#)

This article, originally published on January 13, 2021, has been updated to reflect the recently-published O.Reg. 82/20, which is available here: <https://www.ontario.ca/laws/regulation/200082>

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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