

**Report on Amendments and Extensions of Orders under the *Reopening Ontario
(A Flexible Response to COVID-19) Act, 2020*
from July 24, 2020 to July 24, 2021**

Executive Summary

On July 21, 2020, the Ontario Legislature passed Bill 195, an Act to enact the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA). Once proclaimed into force on July 24, 2020, this Act continued certain orders that had been made under section 7.0.2 or section 7.1 of the *Emergency Management and Civil Protection Act* (EMCPA) during the provincial emergency declared on March 17, 2020 in response to COVID-19.

Orders made during the emergency declared on March 17, 2020 were made in consultation with the Chief Medical Officer of Health, the Health Command Table, and other health experts. The declared emergency pursuant to section 7.0.1 of the EMCPA was terminated on July 24, 2020 when the ROA was proclaimed into force.

The ROA provides that orders continued under the ROA cease to apply after 30 days but can be extended by the Lieutenant Governor in Council for additional periods of up to 30 days. The Lieutenant Governor in Council can amend certain orders under the Act subject to limitations. However, the ROA does not provide the power to create new orders, nor reinstate an order once it has been revoked or allowed to expire.

Since the ROA was proclaimed into force, there have been two additional provincial emergencies declared under the EMCPA in response to COVID-19; on January 12, 2021 and April 7, 2021. After the termination of a provincial emergency a report on orders made during that time must be tabled in the legislature as required by the EMCPA.

The ROA has a similar reporting requirement for the Premier to table a report in the Legislative Assembly, within 120 days after the first anniversary of the day the orders were continued under the Act. The report must also provide a rationale for all extensions and amendments to the orders, including how any applicable conditions and limitations on the making of the amendments were satisfied.

This report outlines the 36 orders continued under the ROA, including extensions and/or amendments to those orders as well as orders that expired over the reporting period, July 24, 2020 to July 24, 2021.

Structure of the Report

This report is organized into three sections:

1. Orders intended to limit the spread of COVID-19

To limit the spread of COVID-19 and respond to the evolving nature of the virus, the government continued certain orders under the ROA that had been made under the EMCPA such as:

- closing or regulating any public or private place, including businesses, offices, schools, hospitals or other establishments or institutions;
- requiring compliance with any advice, recommendation or instruction of a public health official;
- providing for rules or practices that relate to workplaces or the management of workplaces, or authorizing the person responsible for a workplace to identify staffing priorities or to develop, modify and implement redeployment plans or rules or practices that relate to the workplace or the management of the workplace;
- prohibiting or regulating gatherings or organized public events.

These orders provide the government with the flexibility to address the ongoing risks and effects of the COVID-19 pandemic in the province and protect vulnerable populations.

1. O. Reg. 363/20 (Steps of Reopening)
2. O. Reg. 82/20 (Rules for Areas in Shutdown Zone and at Step 1)
3. O. Reg. 263/20 (Rules for Areas in Step 2)
4. O. Reg. 364/20 (Rules for Areas at Step 3 and at the Roadmap Exit Step)
5. O. Reg. 114/20 (Enforcement of Orders)
6. O. Reg. 210/20 (Management of Long-term Care Homes in Outbreak)
7. O. Reg. 240/20 (Management of Retirement Homes in Outbreak)
8. O. Reg. 141/20 (Temporary Health or Residential Facilities)
9. O. Reg. 116/20 (Work Deployment Measures for Boards of Health)
10. O. Reg. 163/20 (Work Deployment Measures for Mental Health and Addictions Agencies)
11. O. Reg. 156/20 (Deployment of Employees of Service Provider Organizations)
12. O. Reg. 74/20 (Work Redeployment for Certain Health Services Providers)
13. O. Reg. 193/20 (Hospital Credentialing Processes)
14. O. Reg. 118/20 (Work Deployment Measures in Retirement Homes)
15. O. Reg. 77/20 (Work Deployment Measures in Long-Term Care Homes)

16. O. Reg. 121/20 (Service Agencies Providing Services and Supports to Adults with Developmental Disabilities and Service Providers Providing Intervenor Services)
17. O. Reg. 145/20 (Work Deployment Measures for Service Agencies Providing Violence Against Women Residential Services and Crisis Line Services)
18. O. Reg. 157/20 (Work Deployment Measures for Municipalities)
19. O. Reg. 154/20 (Work Deployment Measures for District Social Services Administration Boards)
20. O. Reg. 177/20 (Congregate Care Settings)
21. O. Reg. 146/20 (Limiting Work to a Single Long-Term Care Home)
22. O. Reg. 158/20 (Limiting Work to a Single Retirement Home)
23. O. Reg. 205/20 (Education Sector)

2. Orders intended to support the continuity of critical services

To ensure critical services were maintained while managing the effects of COVID-19, these orders address gaps and human resource pressures to critical services, including those that require training, licensing, access to information and justice related services and requirements.

24. O. Reg. 76/20 (Electronic Service)
25. O. Reg. 129/20 (Signatures in Wills and Powers of Attorney)
26. O. Reg. 192/20 (Certain Persons Enabled to Issue Medical Certificates of Death)
27. O. Reg. 190/20 (Access to Personal Health Information by Means of the Electronic Health Record)
28. O. Reg. 195/20 (Treatment of Temporary COVID-19 Related Payments to Employees)
29. O. Reg. 132/20 (Use of Force and Firearms in Policing Services)
30. O. Reg. 95/20 (Streamlining Requirements for Long-Term Care Homes)
31. O. Reg. 73/20 (Limitation Periods)
32. O. Reg. 75/20 (Drinking Water Systems and Sewage Works)
33. O. Reg. 241/20 (Special Rules Re Temporary Pandemic Pay)

3. Orders intended to support businesses and provide cost relief to Ontarians

These orders provide Ontarians' cost-relief and allow municipalities to modify their bylaws to support businesses.

34. O. Reg. 98/20 (Prohibition on Certain Persons Charging Unconscionable Prices for Sales of Necessary Goods)
35. O. Reg. 345/20 (Patios)

36.O. Reg. 80/20 (Electricity Price for RPP Consumers)

Section 1: Orders intended to Limit the Spread of COVID-19

O. Reg. 363/20 (Steps of Reopening)

Description:

- This order outlined which public health unit regions were in each stage, zone or step¹ of Ontario's plans to reopen or respond to different waves of the COVID-19 pandemic. Businesses, organizations and individuals must follow public health and workplace safety measures and restrictions that apply in the particular region as outlined in the respective regulations O. Reg 82/20, O. Reg 263/20 or O. Reg 364/20.
- This order came into effect on July 13, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- A staged or stepped approach to reopening the province or responding to the COVID-19 pandemic waves was necessary to accommodate the different trends in key public health indicators across different regions of the province.
- The order was used to inform regional public health units, businesses, organizations and individuals what stage, zone or step of Ontario's plan they were in. This was determined by the public health and health system indicators which informed the level of risk of COVID-19 in a region.
- The order was necessary to support O. Reg 82/20; O. Reg 263/20 and O. Reg 364/20. Regions identified in O. Reg 363/20 must follow guidelines, measures and restrictions outlined in the applicable order.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach for implementing public health and workplace measures regionally or provincially. As is the practice under existing governing frameworks, such as the *Health Protection and Promotion Act*, the discretion would be left to the Minister of Health, the Chief Medical Officer of Health and local medical officers of health to exercise their statutory powers under that Act.

¹ O. Reg 82/20; O. Reg 263/20 and O. Reg 364/20 were referred to as 'stages' in previous versions of the orders. The orders are currently titled as 'steps'. In reporting on the rationale for extensions and amendments of these orders, they are referred to as stages consistent with the time they were continued.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- Amendments were made to move public health unit regions from different stages, zones or steps based on the level of risk of COVID-19 transmission in the region or province at the time.
- Other amendments were made to the terminology of the different sets of public health measures that would apply to the respective public health unit regions (e.g. zones, steps). The title of the regulation was also amended to reflect the province's reopening or response plan at the time.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 82/20 (Rules for Areas in Shutdown Zone and at Step 1)

Description:

- This order outlined which businesses or organizations were required to close their places of work and which could remain open with restrictions.
- This order came into effect on March 24, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- Ontario demonstrated a sharp increase in COVID-19 cases starting in March 2020.
- Based on public health advice, it was necessary to require many businesses and organizations to close and only allow certain businesses and organizations to remain open to prevent a significant increase in the spread of COVID-19 and related illness and deaths. It was intended that with these business and organizational closures unnecessary interaction between people would be prevented, which was critically important given the contagious nature of COVID-19.

- A prevailing concern was that not requiring the closure of certain businesses and organizations would enable a degree of virus transmission that could push the public health system beyond its capacity.
- O. Reg 82/20 under the ROA was also amended to respond to subsequent waves of COVID-19 in Ontario. This included the application of specific public health and workplace safety measures in certain public health regions to address the severity of a region-specific COVID-19 situation or implement provincewide measures. This included the provincewide shutdown at the peaks of the second and third waves of COVID-19, respectively.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach for implementing public health and workplace safety measures. As is the practice under existing governing frameworks such as the *Health Protection and Promotion Act*, the discretion would be left to the Minister of Health, the Chief Medical Officer of Health and local medical officers of health to exercise their powers under that Act.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order has been amended in response to the level of risk associated with COVID-19 in the province and to reflect the province's reopening or response plan at the time.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 263/20 (Rules for Areas in Step 2)

Description:

- This order outlined which businesses and organizations would be permitted to resume or continue operations while adhering to sector-specific public health and workplace safety measures outlined in the regulation.
- This order came into effect on June 11, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- Once regions experienced a downward trend in the number of daily new cases and lower risk of transmission, they were able to enter what was then called Stage 2 (now called Step 2) of recovery in June 2020.
- As O. Reg 82/20 required many businesses and organizations to close, this order was intended to allow some businesses and organizations to open with restrictions. This was necessary to facilitate the return of economic activity, including consumer spending, job resumption and allow for social interaction, while also following public health advice and measures.
- O. Reg 263/20 was also used to respond to subsequent waves of COVID-19 in Ontario, where certain public health and workplace safety measures were needed to address either region-specific COVID-19 situations or needed to apply provincewide.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach for implementing public health and workplace safety measures. As is the practice under existing governing frameworks such as the *Health Protection and Promotion Act*, the discretion would be left to the Minister of Health, the Chief Medical Officer of Health and local medical officers of health to exercise their powers under that Act.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order has been amended in response to the level of risk related to COVID-19 in the province and to reflect the province's reopening or response plan at the time.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 364/20 (Rules for Areas at Step 3 and at the Roadmap Exit Step)**Description:**

- This emergency order outlined which businesses and organizations would be permitted to resume or continue operations while adhering to sector-specific public health and workplace safety measures outlined in the regulation.
- This order came into effect on July 13, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- Once regions experienced a downward trend in the number of daily new cases and lower risk of transmission, they were able to enter what was then called Stage 3 (now called Step 3) of recovery in July-August 2020.
- Following Stage 2 and the improvement of public health indicators, Stage 3 was intended to allow most businesses to open to the public or their workplaces with fewer restrictions while also following public health advice. This was to provide a reasonable approach to further expand most economic activity and social interaction while maintaining capacity in the public health system and reduce the spread of COVID-19.
- O. Reg 364/20 was also used to respond to subsequent waves of COVID-19 in Ontario where certain public health and workplace safety measures were needed to address region-specific situations, and provincially, to reflect the government's reopening plans after the third wave of the pandemic.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach for implementing public health and workplace safety measures. As is the practice under existing governing frameworks, such as the *Health Protection and Promotion Act*, the discretion would be left to the Minister of Health, the Chief Medical Officer of Health and local medical officers of health to exercise their statutory powers under that act.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order has been amended in response to the level of risk related to COVID-19 in the province and to reflect the province's reopening or response plan at the time.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 114/20 (Enforcement of Orders)

Description:

- This order grants authority to a police officer or any other provincial offences officer to request an individual, who the officer has reasonable grounds to believe has committed an offence under section 10(1) of the ROA, to identify themselves by providing their correct name, date of birth and address, and requires individuals to comply with the request.
- Provincial offences officers include police officers, First Nation constables and special constables as well as other persons designated as provincial offences officers pursuant to the *Provincial Offences Act*. This includes municipal law enforcement officers, by-law enforcement officers and provincial workplace safety inspectors.
- This order came into effect on March 31, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- Effective enforcement tools are essential to have compliance with the orders, which are designed to limit the impacts of the current public health emergency. The common law provides that a person is not required to answer or respond to questions from a provincial offences officer, including a police officer, unless compelled to do so by legislation (e.g. as with drivers under the *Highway Traffic Act* who must produce identification upon demand).
- The correct name, date of birth and address are essential information to lay a charge. Without this order, there would be no duty on individuals to provide their name or any other information if they were being charged with an offence under the ROA.
- Provincial offences officers must have reasonable and probable grounds to believe that an individual committed an offence under the ROA before compelling the individual to provide this identifying information.
- The order was a reasonable measure relative to others because it was not broader than necessary, addressed an operational need and could be implemented more quickly than the alternative of amending the EMCPA at the time it was made, or another statute to create a similar duty.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order was amended on September 17, 2020 to make technical changes to the language. The amendment did not change the substance of the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 210/20 (Management of Long-term Care Homes in Outbreak)

Description:

- This order provides authority to the Director under the *Long-Term Care Homes Act, 2007* to issue a mandatory management order to require a long-term care home to retain an identified manager to oversee operations of a long-term care home where a COVID-19 outbreak was declared.
- This order came into effect on May 12, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- There were serious concerns related to the capacity and ability of some long-term care homes to properly manage a COVID-19 outbreak to effectively protect resident and staff health, safety and well-being.
- Alternative management of these long-term care homes has been shown to reduce or alleviate the harm posed by COVID-19 to residents and staff.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing mechanisms that permit the issuing of a mandatory management order did not specifically contemplate or support the rapid deployment of alternative long-term care home management in the context of a COVID-19 outbreak. The use of an order ensured a rapid, provincewide response to COVID-19 outbreaks in long-term care homes.

- O. Reg. 210/10 allows for expedited processing of management contracts by the Ministry of Long-Term Care to enable hospitals or other entities to commence management of the home.
- It also provides the Director under the *Long-Term Care Homes Act* expanded authority to place interim management in a long-term care home to effectively protect residents from COVID-19. Maintaining the management order allows the Director to swiftly take appropriate actions to reduce or alleviate harm to residents and staff in homes that are in outbreak.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 240/20 (Management of Retirement Homes in Outbreak)

Description:

- This order provided authority to the Registrar of the Retirement Homes Regulatory Authority (RHRA) to select and appoint a manager to oversee operations of a retirement home where there is a risk of harm to residents related to COVID-19, if at least one resident or staff member in the home has tested positive for COVID-19.
- This order came into effect on May 29, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- Although many retirement homes were adequately managing outbreaks, concerns and questions were raised regarding the actions of some retirement homes to prevent or contain an outbreak.
- This order provides the RHRA Registrar with the authority to appoint an appropriate manager to oversee the operations of a retirement home that is unable or unwilling to follow the required measures to prevent and contain the

spread of COVID-19. The order was a reasonable measure that allowed the RHRA Registrar to act quickly when it was necessary to support the containment of an outbreak and keep residents and staff safe. The existing provisions in the *Retirement Homes Act, 2010* did not allow for an order in these circumstances. It would not have been timely or feasible to make statutory changes at that time to accommodate the time-sensitive emergency presented by COVID-19.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 141/20 (Temporary Health or Residential Facilities)

Description:

- This order exempts temporary emergency shelters and medical facilities that are set up for the care, welfare, safety and shelter of individuals impacted by COVID-19, from having to obtain a building permit or a change of use permit under the *Building Code Act*. It also exempts these temporary facilities from complying with the technical requirements of the Building Code and from related requirements in the *Planning Act*.
- This order came into effect on April 9, 2020 under the EMCPA and continued under the ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed to enable municipalities and hospitals to quickly provide temporary additional residential shelters and healthcare facilities in response to COVID-19 outbreaks, while still ensuring these facilities were safe for use.
- Without the order, some buildings would not have been able to meet Building Code requirements and land may not have been zoned for the new temporary uses. This order was needed to exempt these temporary buildings or uses from by-laws and approvals which may have delayed or prevented the construction and/or use of these facilities.

- The order also allowed buildings to be temporarily repurposed to accommodate overflow shelter facilities so that residents could adhere to physical distancing guidelines (e.g. in hotels).
- To help ensure the safety of newly constructed temporary facilities, the order required that the proponent have the facility designed and its construction overseen by a qualified professional (i.e. professional engineer or architect). The order also required that both new and converted temporary facilities be routinely inspected.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing government framework is limited in its authority to retroactively address buildings that have been constructed or converted since March 17, 2020 to ensure the health and safety of such buildings are considered and that the buildings are not subject to enforcement action for not having permits.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 116/20 (Work Deployment Measures for Boards of Health)

Description:

- This order provides public health units (PHUs) with the authority and flexibility to make human resources decisions as necessary to respond to, prevent and alleviate the outbreak of COVID-19.
- This order came into effect on April 1, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed to provide PHUs with temporary measures to allow the necessary flexibility to address staffing shortages and urgently respond to COVID-19.
- PHUs needed to be adequately resourced to manage and prevent the spread of COVID-19, including, but not limited to, expanding capacity to increase case and contact tracing and provide vaccinations to limit the spread of COVID-19 in communities across the province.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach to permit PHUs to make human resource decisions in response to the COVID-19 pandemic. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement across each PHU to reflect the temporary measures needed to respond to the pandemic.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 163/20 (Work Deployment Measures for Mental Health and Addictions Agencies)

Description:

- This order provided mental health and addictions agencies with the authority and flexibility to make human resources decisions as necessary to respond to, prevent and alleviate the outbreak of COVID-19.
- This order came into effect on April 22, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The mental health and addictions sector is covered by collective bargaining agreements that restrict the ability of service providers to appropriately redeploy staff.
- The order was needed to provide community mental health and addictions agencies with temporary measures to allow flexibility in staffing and deployment to address outbreaks, staff shortages and shifting modes of service delivery to urgently respond to COVID-19. Demand for mental health and addictions services increased significantly during COVID-19, with communities declaring emergencies related to mental health and addictions.
- The order provided support for a highly vulnerable population who were at risk of frequent emergency department visits and/or hospitalization if services in the community were not available. The provision of services to those with the most complex, severe and acute needs often requires the safe continuation of in-person services including live-in services or services provided in congregate settings. These services have been more difficult to maintain due to the physical distancing and other public health measures to address COVID-19.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement in the sector to reflect the temporary measures needed to respond to the pandemic.
- As there is no governing legislation for the community mental health and addictions sector, alternate legislative/regulatory approaches were not possible.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 156/20 (Deployment of Employees of Service Provider Organizations)

Description:

- This order provided Local Health Integration Networks (LHIN), now operating under the business name Home and Community Care Support Services (HCCSS), with the authority and flexibility to make arrangements with contracted home care service providers to support the voluntary deployment of available staff to high-priority care settings, such as long-term care homes, during COVID-19.
- This order came into effect on April 16, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed to address staffing shortages in the long-term care home sector and ensure staff were deployed to critical areas of need. It provided HCCSS with the necessary flexibility to urgently respond to demand for supports from congregate settings facing capacity pressures due to COVID-19.
- The order allowed voluntary deployment of existing home care staff at service provider organizations to provide services such as nursing, personal support services and therapies to patients in other congregate care settings. It also permitted the funding of these deployments through the HCCSS home and community care budget; thereby eliminating the need for time-consuming workarounds to flow the funding in the face of urgent need.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement in the broader health care sector to reflect the temporary measures needed to respond to the pandemic.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 74/20 (Work Redeployment for Certain Health Services Providers)

Description:

- This order authorized hospitals to take reasonably necessary measures with respect to staffing to respond to, prevent and alleviate the outbreak of COVID-19 for patients.
- This order came into effect on March 21, 2020 under the EMCPA and continued under ROA from July 24, 2020.
- On April 24, 2020 under the EMCPA, this order was amended to permit public hospitals and other health service providers to provide support and services in a long-term care home, including nursing and personal support services, infection prevention and control, and authorized such employers to redeploy staff to work in a long-term care home.

Why the order was needed:

- The order was needed to address staffing shortages in health and other congregate care settings and ensure staff were deployed to critical areas of need. It provided temporary measures to hospitals to allow the necessary flexibility to urgently respond to COVID-19.
- The broader health care sector is covered by collective bargaining agreements which include processes that generally restrict the ability of public hospitals and other health service providers to quickly deploy staff to help address the demand created by the COVID-19 emergency.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement in the broader health care sector to reflect the temporary measures needed to respond to the pandemic.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order was amended effective January 18, 2021 to authorize hospitals to redeploy staff to retirement homes and other hospitals. O. Reg. 74/20 previously

authorized hospitals to redeploy staff only to other sites within the same hospital or to long-term care homes.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 193/20 (Hospital Credentialing Processes)

Description:

- This order provided hospitals with the authority and flexibility to more quickly appoint, reappoint and grant privileges to physicians and other professional staff where necessary to respond to, prevent and alleviate the outbreak of COVID-19.
- This order came into effect on May 1, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the order was needed:

- The order was needed to address staffing shortages in health and other congregate care settings and ensure staff were deployed to critical areas of need. It was needed to enable hospitals to simplify and expedite their professional staff appointment and credentialing processes to effectively meet patient care demands.
- It was intended to support effective and flexible human resources management in Ontario hospitals, facilitate hospitals' efforts to provide critical outbreak management and prevention supports to long-term care homes and to meet direct patient care needs.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. It would not have been timely or feasible to make statutory and regulatory amendments under the *Public Hospitals Act* to ensure that all hospitals have mechanisms in place for managing professional staff resource demands on an urgent basis.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 118/20 (Work Deployment Measures in Retirement Homes)

Description:

- This order provided retirement homes with the flexibility to redeploy staff to better address the staffing impact of the pandemic on retirement homes, as well as implement additional protocols and precautions in response to COVID-19.
- This order came into effect on April 2, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed to address staffing shortages in retirement homes and ensure staff were deployed to critical areas of need to maintain the health and safety of the residents who were particularly vulnerable to COVID-19. It provided retirement homes with temporary measures to allow the necessary flexibility to urgently respond to COVID-19.
- The order enabled retirement home licensees to implement additional public health protocols and precautions to deal with the impact of outbreaks and prevent further outbreaks from occurring.
- The order was a reasonable measure to address emergency staffing needs by providing homes with the flexibility to recruit and reassign staff and focus more resources on protocols and procedures to keep residents safe.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement in the broader health care sector to reflect the temporary measures needed to respond to the pandemic.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 77/20 (Work Deployment Measures in Long-Term Care Homes)

Description:

- This order provided long-term care homes with greater flexibility to identify staffing priorities and develop, modify and implement redeployment plans to alleviate the effects of COVID-19 and deal with staff shortages and increased care required to address an outbreak.
- The work deployment measures authorized by O.Reg.77/20 aim to support the homes' efforts to address staffing challenges.
- This order came into effect on March 23, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order addresses staffing shortages in long-term care homes and ensures staff are deployed to critical areas of need to maintain the health and safety of the residents who are particularly vulnerable to COVID-19. It provides long-term care homes with temporary measures to allow the necessary flexibility to urgently respond to COVID-19.
- It offers greater flexibility to identify staffing priorities and develop, modify and implement redeployment plans and deal with staff shortages, and increased care required to address an outbreak.
- The emergency order provides long-term care operators with the authority to develop and implement staff redeployment plans, where the long-term care home is of the view that redeployment of staff is reasonably necessary to respond to and provide care for residents due to COVID-19.

- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. There was urgency to address potentially significant staffing shortages and potential impacts to the level of care provided to residents, particularly when a home experienced an outbreak. Given the uncertainty of the impact from the variants of concern, it was critical to remain vigilant and maintain these provisions to help long-term care homes secure the necessary staffing levels to provide appropriate care to residents.
- The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement across the long-term care sector to reflect the temporary measures needed to respond to the pandemic.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 121/20 (Service Agencies Providing Services and Supports to Adults with Developmental Disabilities and Service Providers Providing Intervenor Services)

Description:

- This order provided temporary measures to allow developmental service agencies and intervenor service providers to deploy workers and enable staffing flexibility. For developmental services agencies, the order also streamlines quality assurance measures for agencies to focus on dealing with COVID-19 while still continuing to meet the needs of adults with developmental disabilities.
- This order came into effect on April 3, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- COVID-19 created staffing challenges for developmental services agencies and intervenor service providers.
- The order was needed to alleviate staffing pressures, address staffing shortages and ensure staff were deployed to critical areas of need. It provided agencies with the necessary flexibility to prevent, reduce and mitigate serious harm to vulnerable individuals receiving services and supports. In particular, residential settings had to remain operational and individuals had to continue to receive critical care and supports.
- The order authorized service agencies and intervenor service providers to redirect staff to meet the immediate support needs of adults with a developmental disability and those who are deafblind in their care when staffing was limited or stretched while retaining key health and safety measures.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible for the government to amend or address each individual collective agreement across the developmental services sector, or intervenor services sectors, to reflect the temporary work deployment and staffing measures needed to respond to the pandemic.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 145/20 (Work Deployment Measures for Service Agencies Providing Violence Against Women Residential Services and Crisis Line Services)**Description:**

- This order provided temporary measures to allow flexibility for service agencies in the violence against women (VAW) sector, residential or emergency residential services, anti-human trafficking community supports program and crisis line services with respect to work deployment and staffing. This allowed them to meet the needs of vulnerable people, including women and their dependents during the COVID-19 pandemic.
- This order came into effect on April 14, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- As a result of COVID-19, VAW and anti-human trafficking residential agencies experienced several challenges, including increased demand for services and supports and the need to maintain the health and safety of residents and staff in communal situations.
- The order was needed to address staffing shortages and ensure staff were deployed to critical areas of need. It provided the necessary flexibility to respond to increases in staff absenteeism, shortages, and demand for unconventional staffing models (e.g. in hotels or other off-site locations) and monitor and assess the risk of asymptomatic transmission by staff.
- This order was also required to help mitigate risks related to access or capacity in the VAW shelters/anti-human trafficking residential sites, which could put people and their dependents at heightened risk of abuse and injury.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement across the VAW, anti-human trafficking and crisis line services sectors to reflect the temporary measures needed to respond to the pandemic.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 157/20 (Work Deployment Measures for Municipalities)

Description:

- This emergency order provides flexibility to municipalities to redeploy staff, allowing them to ensure frontline services continue to be delivered to meet the needs of their jurisdictions during the COVID-19 pandemic, including local public health, long-term care and shelter services needs.
- This order came into effect on April 16, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed to address staffing shortages at the municipal level and ensure staff can be redeployed to critical areas of need such as public health, long-term care homes and shelter services. It provides the flexibility necessary to respond to COVID-19.
- The order enables municipalities to redeploy existing staff with the appropriate training, change the assignment of work and employ volunteers and additional part-time/temporary staff or contractors.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. It would not have been timely or feasible to amend or address each individual collective agreement across the municipal sector to reflect the temporary work deployment and staffing measures needed to respond to the pandemic.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order was amended on February 18, 2021 to remove reference to an emergency order that was no longer in effect

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 154/20 (Work Deployment Measures for District Social Services Administration Boards)

Description:

- This emergency order provided temporary measures to allow flexibility to District Social Services Administration Boards (DSSABs) with respect to work deployment and staffing, allowing them to ensure the delivery of important frontline services during the COVID-19 pandemic.
- This order came into effect on April 16, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed to address staffing shortages and ensure staff were deployed to critical areas of need such as shelters for people experiencing homelessness. It provided necessary flexibility to urgently respond to COVID-19.
- The order was needed to enable DSSABs to quickly redeploy existing staff with the appropriate training, change the assignment of work and to employ volunteers and additional part-time/temporary staff or contractors.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to amend or address each individual collective agreement across DSSABs to reflect the temporary measures needed to respond to the pandemic.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 177/20 (Congregate Care Settings)

Description:

- This order applied to congregate care settings in the developmental services, violence against women, anti-human trafficking and intervenor services sectors. This emergency order introduced temporary measures to address the risk of transmission of COVID-19 and protect vulnerable populations residing in the applicable congregate care settings by requiring employees to work for one employer in the same sector and, in the event of an outbreak, restrict staff to working only in one location. Also, the order included a requirement to follow all existing guidance, advice or recommendations issued by the Ministry of Health or the Chief Medical Officer of Health respecting COVID-19.
- This order came into effect on April 24, 2020 under the EMCPA and continued under ROA from July 24, 2020

Why the emergency order was needed:

- The order was needed to prevent the introduction of COVID-19 in congregate residential settings in developmental services, violence against women shelters and anti-human trafficking residential sites and intervenor services sectors and, to quickly respond should an outbreak occur.
- There are limitations to physical distancing in a congregate care setting due to the layout of some residences, direct staff to resident contact and, in the case of violence against women shelters, the large number of children in residence.
- Given that the movement of staff between multiple employment locations can result in a significant risk of transmission of COVID-19, and the mobile nature of the workforce in these congregate residential settings, the order was needed to prevent widespread outbreak.
- Without the order, limiting the movement of staff would be beyond the authority of existing governing frameworks. It would not have been timely or feasible for the government to amend or address each individual collective agreement, where they exist, in the congregate care sector to reflect the temporary measures needed to respond to the pandemic.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 146/20 (Limiting Work to a Single Long-Term Care Home)

Description:

- This order temporarily limited long-term care employees from working in other long-term care homes, retirement homes and other health care settings (unless otherwise directed by a medical officer of health).
- This order came into effect on April 14, 2020 under the EMCPA, with the requirements limiting where long-term care employees can work coming into effect on April 22, 2020 and was continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed to reduce the movement of employees between specified facilities to ensure that an employee of one long-term care home did not inadvertently transmit COVID-19 to individuals in other long-term care homes, health care settings or retirement homes where the employee also worked. It limited employees moving across multiple settings and continues to be an important component of infection prevention and control practices in long-term care homes.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. There was no other statutory provision that provided authority for this type of action. Other statutory amendments would have taken significant time, which was not feasible given the urgency associated with COVID-19 outbreaks in long-term care homes. Nor would it have been timely or feasible to amend or address each individual collective agreement in the long-term care sector to reflect the temporary measures needed to respond to the pandemic.
- This order works in tandem with a similar order for retirement homes (O.Reg. 158/20 Limiting Work to a Single Retirement Home).

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order was amended on April 23, 2021 to permit employees who are fully immunized² against COVID-19 to work in multiple long-term care homes, other health care settings or retirement homes, unless otherwise directed by a medical officer of health.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension

O. Reg. 158/20 (Limiting Work to a Single Retirement Home)

Description:

- This emergency order limited retirement home employees to work in a single retirement home, therefore prohibiting them from working in more than one retirement home, long-term care home or other health care setting.
- This order came into effect on April 16, 2020 under the EMCPA, with the requirements limiting where retirement home employees can work coming into effect on April 22, 2020, and this order was continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed to reduce the movement of employees between specified facilities to ensure that an employee of one retirement home did not inadvertently transmit COVID-19 to individuals in other retirement homes or healthcare settings where that employee may have also worked.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Limiting the movement of staff between homes is beyond the scope of the Chief Medical Officer of Health's authority under the *Health Protection and Promotion Act*. Any statutory amendments would have taken significant time, which was not feasible given the urgency associated with COVID-19 outbreaks in retirement homes. It would not have been timely or feasible to amend or address each individual collective agreement to reflect the temporary measures needed to respond to the pandemic.

² Immunized was the term used at the time as fully vaccinated was not used until the consequential amendment was made September 22, 2021.

- This order works in tandem with a similar order for long-term care homes (O. Reg. 146/20: Limiting Work to a Single Long-Term Care Home under the ROA).

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order was amended on April 23, 2021 to exempt fully immunized³ retirement home employees from restrictions that prohibit them from working in more than one retirement home, long-term care home or other health-care setting.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 205/20 (Education Sector)

Description:

- This emergency order enabled available school board employees to be voluntarily redeployed to congregate care settings during the COVID-19 pandemic, including hospitals, long-term care homes, retirement homes and women's shelters.
- Under the emergency order, school boards were authorized to develop and implement voluntary staff redeployment plans. Redeployed staff would maintain their employment relationship with the school board.
- This order came into effect on May 8, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed to address staffing shortages in congregate care settings and ensure available staff from different sectors were able to be voluntarily redeployed to critical areas of need. It provided the necessary flexibility to urgently respond to COVID-19.

³ Immunized was the term used at the time as fully vaccinated was not used until the consequential amendment was made September 22, 2021

- As schools were closed starting in March 2020 and throughout the remainder of the school year and summer, the order enabled education sector workers (e.g. custodial/maintenance, children and youth workers, social workers and educational assistants) who were available and willing to volunteer to be redeployed to support staffing shortages within congregate care homes through the voluntary redeployment initiative of school board employees.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not enable the movement of staff. It would not have been timely or feasible to make statutory and regulatory amendments under the *Education Act* or *School Boards Collective Bargaining Act, 2014* to allow the redeployment of staff.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- After schools reopened, further extension of the order was not needed as the safety restrictions limiting employees in congregate care settings to one workplace was addressed through O.Reg 146/20 and O.Reg 156/20. School boards were also facing staffing pressures to address school safety protocols as schools reopened.
- This order was revoked on August 31, 2020.

Section 2: Orders intended to Support the Continuity of Critical Services

O. Reg. 76/20 (Electronic Service)

Description:

- The emergency order allowed service of legal documents on the Crown and related entities to be effected electronically.
- This order came into effect on March 23, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- Service is when a copy of legal documents in a case is given to the other party. Documents must be served on the other party because that person has a right to know about a case that has been started against them.
- A number of Ontario statutes, regulations and rules require or permit documents to be served personally on the Crown and related entities. Accordingly, staff had to report physically to work to accept personal service of documents. Individuals would also need to travel in person to properly serve documents on the Crown or related entities.
- The order allowed service to be delivered electronically instead of through personal attendance.
- The order was needed to provide continued access to justice during the declared provincial emergency by allowing litigation involving the Crown, Ministers of the Crown including the Attorney General, Office of the Public Guardian and Trustee, Office of the Children's Lawyer or the Director of the Family Responsibility Office to be commenced or continued effectively, while maximizing the ability of staff to work remotely and practice physical distancing and minimize the need for members of the public to travel in order to effect personal service.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing governing frameworks did not allow for this ability. It would not have been timely or feasible to make individual amendments temporarily overriding each of the numerous statutes, regulations and rules governing service.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 129/20 (Signatures in Wills and Powers of Attorney)

Description:

- This emergency order allowed some legal requirements around the execution of wills and Powers of Attorney (POAs) to be completed virtually.
- This order came into effect on April 7, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The *Succession Law Reform Act* (SLRA) and the *Substitute Decisions Act, 1992* (SDA) require wills and POAs to be executed or signed in the presence of two witnesses.
- The order was needed to permit the use of audio-visual technology to meet the witnessing requirements of the SLRA and the SDA. The order maintained the legal integrity of virtually witnessed documents by requiring that at least one virtual witness be licensed by the Law Society of Ontario.
- The order enabled anyone seeking to urgently address their estate planning and substitute decision-making arrangements without being in the physical presence of two witnesses in accordance with public health guidance.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. Under the SLRA, courts have declined to validate wills that were not executed in the physical presence of two witnesses. Although court validation may have been possible for POAs, applying to a court under the SDA for declarations of validity was not a timely or reasonable solution during the declared provincial emergency. Moreover, the SLRA and SDA are statutes and can only be amended by another statute. They cannot be amended by regulation or other type of legal instrument. A bill in the

legislature would not have been timely enough as it did not accommodate the time-sensitive emergency presented by COVID-19.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- Amendments in Bill 245, *Accelerating Access to Justice Act, 2021* included statutory provisions to make permanent the virtual witnessing process that was initially authorized through this emergency order.
- This order was revoked the order on May 20, 2021.

O. Reg. 192/20 (Certain Persons Enabled to Issue Medical Certificates of Death)

Description:

- This emergency order allowed registered nurses and nurse practitioners who are active members of the College of Nurses of Ontario, appointed as of May 1, 2020 under s.16.1(1) of the *Coroners Act*, to exercise the investigative powers and duties of a coroner to complete and sign a Medical Certificate of Death (MCOD). The emergency order also clarified that these individuals were authorized to copy or duplicate MCODs, enabling electronic copies to be sent to funeral directors.
- This order came into effect on May 1, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- Provincial coroners were having difficulty managing the significant caseloads resulting from the continued increase of deaths as a result of COVID-19.
- The order was needed to increase the number of persons available to ensure timely completion of MCODs by extending the authority to registered nurses and nurse practitioners appointed as coroner investigators. This was also intended to increase the capacity for frontline clinicians to focus on patient care and for coroners to focus on cases that require an investigation by a coroner. Timely completion of MCODs was necessary to allow the final disposition of the

deceased to proceed, as well as collection of data to understand the extent of COVID-19 in the community and pandemic mortality.

- The order was a reasonable measure relative to others because it provided the timeliest response. It would not have been feasible at the time to make regulatory changes to the *Vital Statistics Act* to enable registered nurses and nurse practitioners appointed as coroner investigators to complete, sign and copy MCODs.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 190/20 (Access to Personal Health Information by Means of the Electronic Health Record)

Description:

- This emergency order provided coroners, coroner investigators and medical officers of health with direct access to personal health information under the Electronic Health Record.
- This order came into effect on May 1, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed to provide the following with access to the Electronic Health Record:
 - Coroners and registered nurses appointed as coroner investigators in order to determine whether to conduct a death investigation.
 - The Chief Medical Officer of Health and local medical officers of health in public health units in order to provide immediate access to the most up-to-date data to support COVID-19 response and protect the health of Ontarians.

- The order was necessary to prevent serious harm to persons. Without up-to-date data, the public health response could be impacted, which could result in greater burdens on the health system and ultimately an increased number of deaths. Additionally, the order enabled coroners and registered nurses appointed as coroner investigators to complete their necessary investigations more quickly and efficiently.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. It would not have been timely or feasible to enable access to personal health information of a deceased individual without access to the Electronic Health Record.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- This order was revoked October 22, 2020 as it was no longer needed due to the proclamation of Part V.1 – Electronic Health Record of the *Personal Health Information Protection Act, 2004*.

O. Reg. 195/20 (Treatment of Temporary COVID-19 Related Payments to Employees)

Description:

- This emergency order suspended certain provisions under the *Protecting a Sustainable Public Sector for Future Generations Act, 2019* (PSPSFGA) and replaced them with other provisions to clear barriers for employers to provide eligible frontline workers with time-limited payments in response to the COVID-19 pandemic (e.g. temporary pandemic pay).
- This order came into effect on May 1, 2020, retroactive to April 24, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The emergency order was needed to address COVID-19-related staffing shortages, support implementation of temporary pandemic pay and minimize the risk that temporary pandemic pay and other temporary COVID-19-related

payments made during a moderation period could be perceived as non-compliant with the PSPSFGA at a later date.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 132/20 (Use of Force and Firearms in Policing Services)

Description:

- This emergency order allows for chiefs of police to authorize certain members of a police service to perform duties involving the use of force, and to carry a firearm if the member had successfully completed the prescribed training within the previous 24 months from the date of the authorization. The authorization could last as long as the order is in effect.
- This order came into effect on April 8, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- Police services and the Ontario Police College delayed training to stop the spread of COVID-19 to comply with public health guidance at police training facilities.
- The order was needed to ensure the continued delivery of public safety services by enabling police services to deploy enough personnel to frontline duties despite pandemic-related constraints and training capacity issues.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The Equipment and Use of Force Regulation under the *Police Services Act* does not allow officers to defer annual prescribed use of force and firearm training, resulting in many officers being unable to fulfil frontline duties. However, it would not have been timely or feasible to make regulatory changes without understanding the potential length of

the emergency period and the resulting potential transition period required to address the expected training backlog.

- Allowing members to use force and carry firearms (if they received training in the previous 24 months) also allowed chiefs to authorize officers who retired from a police service within the previous 12 months to use force and carry firearms if they were re-hired to support police service delivery during the COVID-19 pandemic.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 95/20 (Streamlining Requirements for Long-Term Care Homes)

Description:

- This emergency order provides increased flexibility and reduced administrative requirements for licensees of long-term care homes in a range of areas (e.g., staffing), allowing them to respond nimbly and effectively to meet the care and safety requirements of residents during the COVID-19 pandemic.
- This order came into effect on March 27, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- In March 2020, there was a growing concern from stakeholders and the Ministry of Long-Term Care that frontline workers in long-term care homes would become ill with COVID-19 and be unable to work, creating staffing shortages and leading to further spread of COVID-19 amongst residents.
- There was also growing concern from stakeholders and the ministry that outbreaks of COVID-19 in long-term care homes would have a severe impact on

the level of care required by residents, which could not be met when faced with potential staffing shortages.

- The streamlined requirements in O. Reg. 95/20, including streamlined staff qualification requirements, aimed to support the homes' efforts to address staffing challenges.
- The order continues to be needed to facilitate flexibility for reporting, documentation, staffing, care requirements, admissions, transfers and discharges, licences and management contracts process and administration of drugs. It enables homes to focus on providing high quality resident care and address safety needs for residents.
- The order was a reasonable measure relative to others because it provided the timeliest and most consistent approach. The existing governing frameworks did not provide the greatest flexibility and nimbleness in responding to a rapidly evolving landscape and shifting on-the-ground priorities. There was an urgency to address potentially significant staffing shortages, administrative matters, and their potential impacts on the level of care provided to residents.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension

O. Reg. 73/20 (Limitation Periods)

Description:

- This order suspended limitation periods and procedural time periods for court and tribunal proceedings subject to the discretion of the court, tribunal or other decision-maker responsible for the proceeding, in recognition of the difficulty Ontarians may have had in meeting these time requirements during the emergency.
- This order came into effect on March 20, 2020 retroactive to March 16, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- Time periods governing various steps in a proceeding are found in numerous statutes, regulations, rules and by-laws. If these time periods are not met, there may be serious legal consequences, including the prevention of a person from bringing forward a proceeding.
- In response to COVID-19, the Superior Court of Justice suspended regular operations on March 17, 2020. Tribunals Ontario closed frontline counter services on March 16, 2020.
- As a result of the suspended operations and closures, many Ontarians involved in court and tribunal proceedings would have been uncertain as to how they should move forward in their proceeding. Those intending to initiate a new proceeding may have also found it difficult to do so during the emergency.
- The order was needed to suspend limitation periods and time requirements governing various steps in a proceeding.
- The order was a reasonable measure relative to others because it provided the timeliest response and consistent approach. It would not have been timely or feasible to amend numerous statutes, regulations, rules or by-laws that set up limitation periods and procedural time periods.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order was revoked September 14, 2020. The decision to end the suspension was based on, among other considerations input from justice sector partners and the improved state of court and tribunal operations.

O. Reg. 75/20 (Drinking Water Systems and Sewage Works)**Description:**

- This order provided operational flexibility to owners and operating authorities of drinking water and wastewater facilities throughout Ontario by allowing the use of

knowledgeable, non-certified staff and redeployment of staff to maintain system operations.

- The temporary emergency order also allowed operators and water quality analysts who work at these facilities to maintain their certified or licensed status by extending expiring operator certificates and licences by six months.
- This order came into effect on March 23, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The emergency order enabled owners and operating authorities of drinking water and wastewater facilities to proactively address a potential shortage of skilled operators caused by the pandemic so that Ontario's drinking water and wastewater systems could continue to function properly and provide clean, safe drinking water to the public.
- Operators and water quality analysts are required to complete training to renew their certificates every three years. However, the availability and accessibility of training was significantly impacted by the COVID-19 pandemic.
- Many operators and water quality analysts were not able to renew their certificates due to the inability to complete their training. The temporary emergency order was needed to extend certificates so that operators could continue to provide essential public services without being out of compliance with professional regulatory requirements.
- The order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach. The existing certification and licensing regulations under the *Safe Drinking Water Act* and the *Ontario Water Resources Act* did not provide the legal authority to implement the measures considered necessary to address the operational and certification/licensing issues related to the emergency.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The emergency order only extended operator certificates and licenses that expired prior to October 31, 2020. Further extensions were not required due to the availability of online training going forward.
- Provisions that provided authority to municipalities and the Ontario Clean Water Agency to temporarily use knowledgeable, non-certified staff and redeploy workers to maintain operations and override collective agreements only remained in effect until July 31, 2020.
- Provisions that reduced the number of training hours wastewater operators must complete annually remained in effect until the order was revoked.
- This order was revoked on January 20, 2021.

O. Reg. 241/20 (Special Rules Re Temporary Pandemic Pay)

Description:

- The order facilitated faster implementation of temporary pandemic pay for workers by providing clarity to employers and employees regarding eligibility for pandemic pay. The emergency order allowed employers with unionized workforces to provide these payments on a time-limited basis without the need to negotiate separate terms or conditions with bargaining agents.
- This order came into effect on May 29, 2020, retroactive to April 24, 2020, under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed to address COVID-19-related staffing shortages by ensuring that all eligible employees could receive the temporary pandemic pay for which they were eligible, whether or not they are represented by a bargaining agent. The order was a reasonable measure because the temporary pandemic pay is an exceptional measure and it would not have been timely or feasible to make alternate legislative or regulatory amendments.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- Pandemic pay lump sum and hourly payments made to employees for work performed during the eligible time-period (April 24 – August 13) are complete.

- This order was revoked April 20, 2021.

Section 3: Orders intended to Support Businesses and Provide Cost Relief to Ontarians

O. Reg. 98/20 (Prohibition on Certain Persons Charging Unconscionable Prices for Sales of Necessary Goods)

Description:

- This order prohibited retailers and persons who did not normally engage in the sale of necessary goods before March 17, 2020 from selling or offering to sell necessary goods for “unconscionable prices”. An unconscionable price was defined as a price that grossly exceeds the price at which similar goods are available to like consumers, which is consistent with well-established principles from the *Consumer Protection Act, 2020* (CPA).
- This order came into effect on March 27, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- As confirmed cases of COVID-19 in Ontario rose, necessary goods, including protective supplies such as masks and hand sanitizer, were in short supply and high demand. Some retailers and individuals were capitalizing on demand for products by selling goods at prices significantly higher than fair market values.
- This order was reasonable relative to other measures that could have been taken because it provided the timeliest response and approach in the initial days of the first declared provincial emergency in response to COVID-19. The existing CPA legislative and regulatory provisions address unconscionable pricing in the context of individual consumer transactions but did not address the type of behavior exhibited in the period leading up to that declared provincial emergency. Given the need to ensure consumer access to reasonably priced necessary goods and address marketplace failures, no other feasible and timely measure was identified. This ensured that consumers had the necessary goods required to protect the health and safety of themselves and their families.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 345/20 (Patios)

Description:

- This order allowed municipalities to permit the temporary establishment and expansion of patios for restaurants and bars in an expedited manner to meet public health physical distancing requirements.
- This order came into effect on July 2, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The order was needed by restaurants and bars to optimize the time-limited and critical summer patio season, support small businesses across the province and help maintain and create hospitality sector jobs.
- Restaurants and bars could temporarily create or extend outdoor patio spaces prior to this order under the *Liquor Licence Act* to safely accommodate patrons and staff once licensed establishments were permitted to reopen for business. However, due to land use planning legislative requirements for temporary use by-laws, in some instances it was not possible for municipalities to permit restaurants and bars to quickly establish or expand patios. Especially where businesses wanted to create or expand patios on private property.
- This order was a reasonable measure relative to others because it provided the timeliest response and enabled municipalities to expedite passing temporary use by-laws for restaurant and bar patios that addressed local circumstances and needs. The existing requirements for public notice, consultation and rights of appeal under the *Planning Act* did not provide certainty that municipalities would be able to have the temporary use by-laws needed to establish and expand patios for restaurants and bars in time for patio season.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- The order remained in effect as of July 24, 2021 as the circumstances required its extension.

O. Reg. 80/20 (Electricity Price for RPP Consumers)

Description:

- This emergency order temporarily enabled a 24-hour off-peak price period for electricity consumers. The order applied the off-peak Time-of-Use (TOU) electricity rate of 10.1¢/kilowatt hour (kWh) to all periods of the day for Regulated Price Plan (RPP) customers paying TOU rates until May 31, 2020.
- An amendment was made to this order under the EMCPA to, effective June 1, 2020, establish a COVID-19 Recovery Rate of 12.8¢/kilowatt hour for all periods of the day for RPP customers, including families, small businesses and farms until October 31, 2020.
- This order came into effect on March 24, 2020 under the EMCPA and continued under ROA from July 24, 2020.

Why the emergency order was needed:

- The RPP TOU pricing plan has three pricing periods during the day (on-, mid- and off-peak) which are set to reflect the cost of producing power in those periods.
- The order enabled the government to deliver two pricing changes for RPP customers to provide immediate rate relief, predictability and stability as quickly as possible when customers needed support the most. These pricing changes were applied automatically to electricity bills without the need for customers to fill out an application form.
- This order was a reasonable measure relative to others because it provided the timeliest response and most consistent approach as it could easily be applied to all eligible customers. The existing governing frameworks did not support rate relief for residential customers who were asked to stay home and businesses

that may have closed or saw significantly fewer customers while still incurring electricity costs. It would not have been timely or feasible to make legislative or regulatory amendments as an immediate response was required to provide emergency electricity rate relief for Ontarians staying at home, as a result of school and non-essential business closures or work from home policies.

Amendments to the Order under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- No amendments were made to the order.

Revocation/Continuation under ROA during the Reporting Period (July 24, 2020 – July 24, 2021):

- In August 2020, regulatory changes were made to enable most RPP customers to choose a rate plan that best suited their lifestyle or business, with the choice of TOU and tiered pricing starting November 1, 2020. As such, this order was not extended and was revoked November 1, 2020.