



What's New in HR Law

COVID-19: Lockdown in Toronto and Peel & Changes for Other Regions

November 26, 2020

Bottom Line

In light of the rising number of COVID-19 cases, on November 20, 2020, the Ontario government announced that certain provincial regions would be moved into different coloured zones of the [Keeping Ontario Safe and Open Framework](#) (the “Framework”).

Among other re-categorizations, The City of Toronto and Region of Peel were moved into the most restrictive “Grey – Lockdown Zone” of the Framework, effective Monday, November 23, 2020. These regions will remain in this zone for at least 28 days.

Coinciding with these re-categorizations, on November 22, 2020, the Ontario Government published regulations detailing updated requirements applicable to businesses operating in the Grey Zone ([Stage 1](#)), the Red Zone ([Stage 2](#)), and the Green/Yellow/Orange Zones ([Stage 3](#)).

New Stage 1 Rules for the Grey Zone

The Rules for Areas in Stage 1 Regulation (“Stage 1 Regulation”) sets out the new lockdown requirements which mandate businesses, or parts of businesses, to close. Schedule 2 and

This update is for general discussion purposes and does not constitute legal advice or an opinion.

[Filion Wakely Thorup Angeletti LLP](#) www.filion.on.ca

Toronto

Bay Adelaide Centre
333 Bay Street, Suite 2500, PO Box 44
Toronto, Ontario M5H 2R2
tel 416.408.3221 | fax 416.408.4814
toronto@filion.on.ca

London

620A Richmond Street, 2nd Floor
London, Ontario N6A 5J9
tel 519.433.7270 | fax 519.433.4453
london@filion.on.ca

Hamilton

1 King Street West, Suite 1201, Box
57030
Hamilton, Ontario L8P 4W9
tel 905.526.8904 | fax 905.577.0805
hamilton@filion.on.ca

Schedule 3 of the Stage 1 Regulation outline those businesses that may remain open, those businesses that may remain open subject to conditions, and those businesses that must close. Businesses operating in regions in the Grey Zone are encouraged to review the Stage 1 Regulation in detail for further information relating to the restrictions applicable to their specific operations.

At a high level, any businesses that are permitted to remain open must ensure they operate in compliance with all applicable laws, including the Occupational Health and Safety Act. Businesses must also comply with any public health orders or recommendations. Masks continue to be required in any indoor areas of a business (subject to prescribed exceptions), and businesses must continue to perform daily screening of individuals entering their premises. While these general requirements apply to all businesses, other sector and business-specific conditions may also be applicable. In addition to consulting the Stage 1 Regulation, sector-specific information is also available on the Ontario Government's [website](#).

The Stage 1 Regulation has also changed the capacity limits for businesses open to the public. Businesses must limit the number of people on their premises so that individuals are able to maintain a physical distance of 2 metres from any other person. The number of people in any given room must also not exceed 50 per cent of the capacity of that room. However, these limits do not apply to public schools or private schools that are operating in accordance with a direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health.

Additionally, the Stage 1 Regulation now requires *all* open businesses to prepare a written safety plan by **November 30, 2020**. Previously, only businesses operating in specific industries were mandated to prepare a safety plan. A business' safety plan must include the measures and procedures which the business has implemented or will be implementing to reduce the transmission risk of COVID-19. These procedures include, but are not limited to, screening, physical distancing, masks or face coverings, cleaning, and wearing of personal protective equipment. Businesses must post their safety plan in a place where it can be seen by workers or members of the public, and must provide it to anyone who asks for a copy of the plan.

The Government of Ontario has published [online resources](#) to assist businesses achieve compliance with this safety plan requirement, including the provision of a template plan.

Key Changes for Other Regions in the Framework

In addition to updating the Stage 1 Regulation, the Ontario government has updated the rules for businesses operating in Stage 2 (the Red Zone) and Stage 3 (the Green, Yellow, and Orange Zones) areas.

Notably, the limit on gatherings in Stage 2 areas for organized public events, social gatherings, or social gatherings associated with a wedding, funeral, or religious service has been reduced from 10 to 5 people if the gathering is being held indoors.

Additionally, some restrictions on the sale of alcohol have been lifted in Stage 2 and Stage 3 areas. Restrictions on when liquor can be sold, served, or consumed in a business or place do not apply to the sale of liquor for removal from licensee's premises, or to the sale of liquor for delivery.

Check the Box

In addition to taking heed of the changes to the Framework mentioned above, employers should also be mindful that each individual region has the ability to introduce its own restrictions and recommendations – distinct from those imposed at the provincial level – based on the local medical officer's advice in each region. As such, employers should regularly consult both local and provincial resources to ensure that they are operating in compliance with all applicable rules and recommendations.

Need more information?

For more information about workplace management amidst the COVID-19 pandemic, please contact [Clifton Yiu](#) at 416.408.5501 or your regular lawyer at the firm.



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Toronto

Bay Adelaide Centre
333 Bay Street, Suite 2500,
PO Box 44
Toronto, Ontario M5H 2R2
tel: 416.408.3221
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fax: 519.433.4453
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Hamilton, Ontario L8P 4W9
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