

Legislative
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SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT

THIRD INTERIM REPORT

1st Session, 42nd Parliament
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The Honourable Ted Arnott, MPP
Speaker of the Legislative Assembly

Sir,

Your Select Committee on Emergency Management Oversight has the honour to present its Report and commends it to the House.

Daryl Kramp, MPP
Chair of the Committee

Queen's Park
January 2021

SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT MEMBERSHIP LIST

1st Session, 42nd Parliament

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INTRODUCTION

The Select Committee on Emergency Management Oversight is pleased to present its third interim report summarizing the Committee hearing that took place on October 22, 2020. In accordance with the Committee's terms of reference, the Solicitor General appeared as the Premier's designate and provided an oral report to the Committee. This report sets out a summary of the testimony and discussion from that day.

Further interim reports will follow. The Committee's final report will be a compilation of all interim reports.

To review the Solicitor General's full remarks and all questions posed by Committee members, reference should be made to the official *Hansard* transcript.

COMMITTEE MANDATE

On July 13, 2020, the government House leader introduced a motion to appoint a Select Committee on Emergency Management Oversight. Following debate, the motion carried on July 15, 2020. The Committee was appointed to receive oral reports from the Premier or his designate(s) on any extensions of emergency orders by the Lieutenant Governor in Council related to the COVID-19 pandemic and the rationale for those extensions.

Reporting provisions under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA) include a requirement that the Premier (or a Minister to whom the Premier delegates the responsibility) appear before and report to a standing or select committee designated by the Assembly, at least once every 30 days, concerning

- (a) orders that were extended during the reporting period; and
- (b) the rationale for those extensions.

Hearings consist of an opening statement from the Premier or his designate(s), followed by Committee member questions. The Committee is authorized to release interim reports summarizing each hearing.

The Committee's mandate is reproduced in full in Appendix A to this report.

STATEMENT AND DISCUSSION

Solicitor General's Statement

The Solicitor General, the Honourable Sylvia Jones, appeared before the Committee on October 22, 2020.

The Solicitor General told Committee members that COVID-19 continues to be a major threat and that much of the government's work continues to be within the context of this global public health crisis. With cold and flu season and the continuing high number of COVID-19 cases in certain parts of the province, the Solicitor General emphasized that it is critical to continue to take the necessary steps to protect the health and safety of Ontarians, including: keeping schools open; protecting those who are most vulnerable; maintaining hospital capacity and reducing the surgical backlog; and managing a resurgence in cases and limiting the impacts of a second wave.

By providing legislative oversight regarding the rationale for extensions of orders, the Solicitor General told Committee members that their work "contributes to our government's commitment to be transparent and accountable to Ontarians."

The Solicitor General explained that the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* was amended to create a new offence regarding hosting or organizing a gathering at residential premises (or other prescribed premises) that exceeds limits under an order. A minimum fine of \$10,000 applies for organizers or hosts of residential gatherings that exceed limits.

The Solicitor General informed the Committee that the majority of orders in effect have been renewed for another 30 days, with one order extended for less than 30 days and one order that is not extended and will expire on October 22, 2020:

- O. Reg. 80/20 (*Electricity Price for RPP Consumers*) – This order has been extended until October 31, 2020. Beginning November 1, 2020, time-of-use customers will have the option of choosing between time-of-use electricity rates or tiered pricing.
- O. Reg. 190/20 (*Access to Personal Health Information by Means of the Electronic Health Record*) – This order is no longer necessary and expires on October 22, 2020, as revisions to the *Personal Health Information Protection Act, 2004* have included these provisions.

The Solicitor General grouped the remaining orders (extended until November 21, 2020) into five categories, with rationales for extension as outlined below. Three orders have been amended "to respond to alarming spikes in COVID-19 cases in specific parts of the province."

1) Orders directly limiting the spread of COVID-19

The Solicitor General stated that the government moved quickly to limit the spread of COVID-19 by requiring the closure or regulation of certain establishments and recreational spaces while also prohibiting or limiting organized public events or gatherings. The Solicitor General commented that the government has “kept a hand on the levers” that enable the province to respond to changes in COVID-19 patterns, such as spikes in cases which caused a return to a modified stage 2 in Toronto, Ottawa, Peel and York regions.

The amendments to orders made since the Committee last sat on September 22, 2020, pertain to limiting the spread of COVID-19.

- O. Reg. 364/20 (*Rules for Areas in Stage 3*) – This order outlined businesses that were permitted to reopen as long as they adhered to sector-specific guidance that was less restrictive than stage 2. Following stage 2 and the improvement of public health indicators, stage 3 was intended to allow most businesses to reopen with loosened restrictions while also following public health and workplace guidance. This was to provide a reasonable approach to further expand most economic activity and social interaction while maintaining capacity in the public health system.

Since the Select Committee meeting on September 22, there have been the following amendments to O. Reg. 364/20:

Effective September 26: restaurants, bars and other food and drink establishments, including night clubs, must stop selling alcohol at 11:00 p.m. and close at 12:00 a.m. Consumption of alcohol at these establishments between 12:00 a.m. and 9:00 a.m. is prohibited. These establishments must remain closed until 5:00 a.m., except for takeout and delivery. All strip clubs must close. Businesses or organizations must comply with any advice, recommendations and instructions issued by the office of the Chief Medical Officer of Health on screening for COVID-19.

Effective October 3: new restrictions were applied to the city of Ottawa, the city of Toronto and Peel region only, including indoor capacity limits, new rules on information gathered by establishments and limited group exercise closures at gyms and other health clubs.

As of October 10: these restrictions were removed, as further restrictions to activities in these three areas were added to the stage 2 order.

- O. Reg. 263/20 (*Rules for Areas in Stage 2*) – For regions in stage 2, this order outlines businesses and organizations that were permitted to resume operations while adhering to public health and workplace safety guidelines outlined in the regulation.

Effective October 10: O. Reg. 263/20 was amended and would apply to any jurisdiction returning to a modified stage 2, requiring certain locations and activities to close or cease, including:

- indoor food and drink services in restaurants, bars and other food and drink establishments including nightclubs and mall food courts;
- indoor gyms and fitness centres, including yoga studios;
- casinos, bingo halls and other gaming establishments;
- cinemas, performing arts centres and venues;
- spectator areas in racing venues;
- interactive exhibits or exhibits with high risk of personal contact in museums, galleries, zoos, science centres and landmarks;
- personal care services where face coverings must be removed for service, such as facials or makeup;
- team sports, except for training sessions.

Dance studios were part of the original amendment, but are now allowed to operate as long as students pre-register and maintain physical distancing.

New capacity limits include: 10 people indoors or 25 people outdoors at social gatherings and organized public events (this cannot be combined for an outdoor/indoor event); 10 people indoors and 25 people outdoors for tour and guide services; 10 people indoors and 25 people outdoors for in-person teaching and instruction, such as cooking classes and music lessons (this does not include schools, child care centres, universities or colleges).

The capacity limits where physical distancing can be maintained would include 10 people indoors and 25 people outdoors at meeting and events spaces, including wedding receptions.

Effective October 13: conference and convention centres must close, except for operations supporting the delivery of government or court services.

Real estate agencies may open if they do not host, provide or support any open house events. Showings and viewings should be by appointment only.

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- O. Reg. 363/20 (*Stages of Reopening*) – This order outlined which regions were in stage 1, stage 2 or stage 3 respective to Ontario’s reopening plan. Businesses and residents must follow guidance and rules outlined in the respective stage regulations, including amendments to O. Reg. 263/20.

Effective October 10: public health units in Ottawa, Toronto and Peel region were moved from stage 3 to a modified stage 2 in response to higher COVID-19 transmission and a need to limit the spread.

Effective October 19: the York regional public health unit was also moved from stage 3 to a modified stage 2.

All remaining orders have been extended for 30 days without amendment.

- O. Reg. 82/20 (*Rules for Areas in Stage 1*) – While there are no public health regions in stage 1 at this time, it is essential to extend this order as a precautionary measure.
- O. Reg. 114/20 (*Enforcement of Orders*) – This order provides police officers and other provincial offences officers with necessary enforcement powers.
- O. Reg. 76/20 (*Electronic Service*) – This order allows document service in legal matters to be handled electronically instead of in person. The continuation is needed to reduce unnecessary contact between individuals in order to slow the spread of COVID-19.
- O. Reg. 129/20 (*Signatures in Wills and Powers of Attorney*) – Stakeholders have indicated to the Attorney General that they are still relying on the order to ensure wills and powers of attorney can be safely executed, as there are no alternate processes available.
- O. Reg. 210/20 (*Management of Long-Term Care Homes in Outbreak*) – Long-term care homes are still experiencing outbreaks. This order is necessary to allow the placement of an interim manager to effectively protect residents from COVID-19. These management orders would enable the director to swiftly take appropriate actions to reduce or alleviate harm to residents and staff in homes that are in outbreak.
- O. Reg. 240/20 (*Management of Retirement Homes in Outbreak*) – This order is necessary because retirement homes are still affected by outbreaks. It is important to ensure measures are in place so that the Retirement Homes Regulatory Authority can act quickly in case of outbreaks and in instances where an operator is unable or unwilling to manage operations of the home.

2) Orders that support the continuity of critical services

The Solicitor General noted that the government implemented orders in the spring “to ensure necessary services could continue while managing the effects of the virus.” There are seven orders extended in this category.

- O. Reg. 75/20 (*Drinking Water Systems and Sewage Works*) – Due to the disruption of the 2020 training year, many wastewater operators will be unable to complete the 40 hours of annual training required by regulation. This order reduces the training requirement for 2020 to 10 hours. The order is necessary to help ensure operators continue to complete some training, while allowing them to maintain critical system operations. Compliance will continue to be assessed through the Ministry of the Environment, Conservation and Parks’ regular facility inspections.
- O. Reg. 95/20 (*Streamlining Requirements for Long-Term Care Homes*) – This order is extended to ensure that long-term care homes have the flexibility they need to continue operations as rates of COVID-19 continue to increase. Streamlining requirements under the order ensures the care and safety of residents in long-term care homes.
- O. Reg. 192/20 (*Certain Persons Enabled to Issue Medical Certificates of Death*) – This order allows registered nurses appointed as coroner investigators to complete medical certificates of death. This gives physicians and nurse practitioners more time to focus on patient care.
- O. Reg. 195/20 (*Treatment of Temporary COVID-19 Related Payments to Employees*) – Extending the order ensures important measures remain in place to protect vulnerable populations.
- O. Reg. 241/20 (*Special Rules Re Temporary Pandemic Pay*) – Extending the order will help facilitate the implementation of temporary pandemic pay for work performed during the temporary pandemic pay eligibility period.
- O. Reg. 132/20 (*Use of Force and Firearms in Policing Services*) – Use-of-force and firearm training requirements were suspended during the provincial declaration of emergency. Additional time is needed for police services to reinstate regular training, particularly given that public health restrictions that impact delivery continue to be in place.
- O. Reg. 141/20 (*Temporary Health or Residential Facilities*) – The Ministry of Health, hospitals and municipalities need adequate capacity in the hospital sector and in the emergency shelter system to address possible future outbreaks of COVID-19 during flu season. The ability to install new temporary health and residential facilities and to convert existing buildings for this purpose will be needed until there is no threat of new waves of COVID-19.

3) Orders supporting businesses and the safe reopening of the economy

The Solicitor General advised that orders were implemented “several months ago” that supported businesses impacted by COVID-19. These orders enabled businesses to operate in a safe manner while reducing certain direct costs by, for example, authorizing the fast-tracking of municipal authorization of patio expansions.

- O. Reg. 345/20 (*Patios*) – This order has been extended to allow municipalities to quickly authorize the establishment or expansion of bar and restaurant patios. The continuation is needed to optimize and stretch the patio season into the fall and to create hospitality sector jobs.

4) Orders addressing staffing shortages and/or improving the coordination of services for vulnerable persons

The Solicitor General emphasized that it was essential to support continuity of critical services in vulnerable sectors while also limiting the spread of COVID-19. Fourteen orders are extended in this category.

- O. Reg. 121/20 (*Service Agencies Providing Services and Supports to Adults with Developmental Disabilities and Service Providers Providing Intervenor Services*) – This order has been extended so developmental service agencies and intervenor service providers will continue to have the authority and flexibility they need to redeploy their staff to support critical services for vulnerable individuals. Streamlined quality assurance requirements continue to be needed so developmental service agencies can alleviate staffing pressures while responding to challenges posed by COVID-19.
- O. Reg. 145/20 (*Work Deployment Measures for Service Agencies Providing Violence Against Women Residential Services and Crisis Line Services*) – This order has been extended so violence against women and anti-human trafficking service providers will continue to have the authority and flexibility they need to redeploy their staff to support critical services for survivors of violence against women and victims of human trafficking.
- O. Reg. 157/20 (*Work Deployment Measures for Municipalities*) – This order has been extended to continue to provide municipalities the flexibility they need to act quickly and to provide their communities with essential services. Continuity of service delivery at the municipal level is critical to the health and safety of Ontario’s communities and province-wide efforts to curb the spread of COVID-19. Municipal leaders, including Toronto Mayor John Tory and the GTHA mayors and chairs, have indicated that this order continues to be needed for their municipalities.
- O. Reg. 154/20 (*Work Deployment Measures for District Social Services Administration Boards*) – This order is necessary so that district social services administration boards (DSSABs) will continue to have the authority and flexibility they need to redeploy their staff to support critical services.

DSSABs are being surveyed about the order and extending the order will allow sufficient time to assess responses to determine next steps.

- O. Reg. 177/20 (*Congregate Care Settings*) – The order has been extended so that staff movement across multiple employers in developmental services, intervenor services, violence against women and anti-human trafficking sectors will continue to be limited as an important infection prevention measure. Notwithstanding any targeted public health measures, as the province reopens and restrictions are lifted, it is critical to ensure these measures are still in place to help prevent or manage an outbreak.
- O. Reg. 74/20 (*Work Redeployment for Certain Health Services Providers*) – The hospital sector continues to experience increased demands and pressures as a result of COVID-19. An extension is necessary to address surgical backlogs and health human resource shortages across long-term care homes and to ensure sufficient hospital beds for a potential second wave.
- O. Reg. 116/20 (*Work Deployment Measures for Boards of Health*) – As the province continues to combat COVID-19, there will likely continue to be increased demands on public health units. This order allows boards of health and public health units to take, with respect to work deployment and staffing, any reasonably necessary measures to respond to, prevent and alleviate the COVID-19 pandemic.
- O. Reg. 118/20 (*Work Deployment Measures in Retirement Homes*) – This order allows flexibility for retirement home operators to recruit and reassign staff and remains crucial to help to prevent and manage potential outbreaks and to ensure stability and quality in resident care, especially with the increases in COVID-19 cases in recent weeks.
- O. Reg. 156/20 (*Deployment of Employees of Service Provider Organizations*) – The need to extend the order is based on ongoing staffing issues at long-term care homes and retirement homes.
- O. Reg. 163/20 (*Work Deployment Measures for Mental Health and Addictions Agencies*) – This order is necessary to give service providers the required authority to maintain health human resource flexibility, especially as mental health and addictions providers begin the gradual resumption of in-person services and with the second wave of cases.
- O. Reg. 193/20 (*Hospital Credentialing Processes*) – This order is still necessary because the hospital sector continues to experience increased demands and pressures as a result of COVID-19. Maintaining flexible health human resources will be critical to ensure hospitals can continue to respond to and address these demands.

- O. Reg. 77/20 (*Work Deployment Measures in Long-Term Care Homes*) – The order is extended because flexibility for long-term care home operators to recruit and reassign staff remains crucial for helping to prevent and manage potential outbreaks and to ensure stability, quality care and safety of residents in long-term care homes.
- O. Reg. 146/20 (*Limiting Work to a Single Long-Term Care Home*) – This order is necessary because limiting the number of staff moving across multiple settings is an important component of infection prevention and control practices in long-term care homes.
- O. Reg. 158/20 (*Limiting Work to a Single Retirement Home*) – This order remains necessary because limiting staff from working in other retirement homes, long-term care homes and other health care settings is an important component of infection prevention and control practices in retirement homes.

5) Orders providing cost relief to Ontarians

The Solicitor General stated that orders were also made to protect Ontarians from the cost impacts caused by COVID-19, including prohibiting excessive pricing for necessary goods, such as hand sanitizer. As well, the government temporarily prevented child care centres from collecting payments from parents in cases where care was not provided, while ensuring that parents would not lose the space.

- O. Reg. 98/20 (*Prohibition on Certain Persons Charging Unconscionable Prices for Sales of Necessary Goods*) – Consumers continue to file price gouging complaints with respect to the necessary goods set out in the order, some of which remain in short supply.

The Solicitor General concluded her remarks by informing the Committee that the government will continue working with ministries to conduct ongoing reviews and assessments of all orders to determine if they are still necessary, and will tighten restrictions when necessary, or relax and revoke orders when it is safe to do so.

Discussion

Questions from the Committee

Following her report to the Committee, the Solicitor General responded to questions on a range of issues from the Committee, including:

- *Advice from Experts and List of Experts* – the Solicitor General was asked whether she would provide the Committee with a detailed list of the experts, panels and tables that advise the government on its emergency orders. Some members expressed concern about “criticisms out there by experts” and a “two-week gap” in the timing of government action to move certain regions back to stage 2. The Solicitor General was asked whether the experts advising the government could be directed to present their recommendations to the public

and whether the Committee could get an explanation for the gap. The Solicitor General responded that Premier Ford has stated “publicly and regularly” that he is relying on and accepting the recommendations of the command table and the health experts. She also noted that Ontarians “regularly hear from members of Dr. Williams’s team,” adding that there will be times when doctors have different opinions on how to approach the pandemic. She remarked that the government has shown a willingness to listen and to “react quickly when we see a changing landscape.” The Solicitor General also reminded the Committee that medical officers of health can set local restrictions through section 22 [of the *Health Protection and Promotion Act*].

- *Risk Analysis* – a Committee member asked whether the government does a risk analysis when deciding to limit gatherings in certain indoor spaces, while others continue to operate, casinos for example. The Committee member also asked whether the government would be willing to provide the information from any such analyses. The Solicitor General said that there are very strict limits on how many individuals can be in a casino at a particular time. She noted that those are decisions and “points along the decision pathway” that are done based on input from the organizations, the ministries and the health command table. The Solicitor General emphasized that the government relies heavily on the health command table’s advice and recommendations.
- *Community Liaisons* – a Committee member told the Solicitor General that his community is interested in determining local needs, and directing funds, through a community liaison role. The idea would be to have someone “on the ground” to determine specific needs and present information to community members in an appropriate mother tongue. The Solicitor General was asked whether this concept is something the government would consider. The Solicitor General responded that the Minister of Health acted on advice provided by the Committee member in question period regarding the need for additional testing in some parts of Toronto. The Solicitor General said that there are things the government can continue to provide “as we see where the hot spots are.” She emphasized the critical importance of continued communication and education, noting that the Committee member’s suggestion of additional languages seemed very reasonable.
- *Protection for Ontarians* – a Committee member said he has heard about small business owners sleeping in their businesses, fearing that a landlord would come and change the locks, in spite of existing prohibitions. The Committee member also noted stories about individuals who are now in private disputes about whether they can get their money back for previously planned events, such as weddings. The Solicitor General was asked whether there are “any teeth” to protect people in these cases. The Solicitor General responded that there are “many different enforcement pieces,” including the Ministry of Government and Consumer Services for price gouging complaints. The Solicitor General noted that in addition to police and bylaw officers, conservation officers, labour inspectors and First Nations policing agencies are engaged in enforcement, “so

there are lots of opportunities for people to be educated and, ultimately, if they don't comply, to be fined or charged.”

- *Help for Restaurants and Bars* – with the return to a modified stage 2 for communities like Toronto, Peel, York and Ottawa, one Committee member asked how the regulation helps restaurants and bars, and what information Committee members could share with their constituents. The Solicitor General acknowledged the challenges and frustration that would have been felt by businesses having to shutter their indoor dining options just before the Thanksgiving long-weekend; however, she noted that the government needed to act quickly because speed is critical when dealing with the spread of COVID-19. The Solicitor General pointed to efforts to ensure supports are in place, for example working with the federal government for additional supports for small businesses and the main street relief package to assist small businesses with the purchase of personal protective equipment (PPE).
- *Suspension of Use-of-Force and Firearm Training* – a Committee member asked the Solicitor General to provide an update on considerations given to this training moving forward, and whether this order will be renewed for the lifespan of the ROA. The Solicitor General said that firearms training must be completed by every police officer annually and that she did not envision that type of retraining happening virtually. However, the Solicitor General informed the Committee that there are other opportunities for ongoing training and pieces that the ministry is actively looking at in terms of training that could happen remotely. As well, the Ontario Police College was able to reopen and graduate its first new police officers since the beginning of the pandemic.
- *Electricity Pricing* – Committee members asked the Solicitor General for further information about the government's action on electricity pricing, noting that individuals and businesses are still struggling with high electricity rates. The Solicitor General was also asked why there has not been “a revisit” regarding electricity pricing, given that the pandemic is ongoing. The Solicitor General said that, as of November 1, individuals will be able to choose either to go back to time-of-use pricing or to go to a tiered or fixed rate. The Solicitor General stressed that “lots of work is happening on that file,” and noted that Committee members would “see further announcements” in the days and weeks to come.
- *Auto Insurance Rates* – the Solicitor General was asked why auto insurance rates have not been included in the emergency orders, given that many people are not driving. The Solicitor General said that the Minister of Finance was able to successfully get insurance companies to offer a discount.
- *Training for Wastewater Operators* – a Committee member expressed concern that O. Reg. 75/20 allows certificates to continue that otherwise would have expired and asked the Solicitor General to “assure the Committee” that the continuation of O. Reg. 75/20 would not put the health of Ontarians or the environment at risk. The Solicitor General told the Committee that while the

certificates will not expire, ongoing water treatment plant inspections have continued throughout the COVID-19 pandemic. The Solicitor General emphasized that this was done to protect health and safety.

- *Regional Approach* – a Committee member questioned why the government did not take a regional approach to the order requiring bars to close at 11:00 p.m., given the loss for businesses. The Solicitor General said that part of the determination is an acknowledgement from health experts that, as people consume more alcohol, the risk of spread is higher. The Solicitor General also commented on her personal experience as the MPP for a split riding (in which half the riding is in stage 2 while the other half is not). She said that it can be challenging for individuals and businesses to know and respect the rules when there is too much regionalization, and concluded that “it is more important for us to be consistent in our approach.”
- *The Opiate Crisis* – a Committee member expressed concern about the “pandemic within the pandemic” and questioned the availability of addictions treatment for inmates in provincial correctional facilities. The member asked whether the Ministry of the Solicitor General is looking at a system to provide services “around” inmates so that when they are released into the community they are in a treatment program and can more easily transition to community supports. The Solicitor General acknowledged she “would never disagree that more can be done” but said that she denied and rejected any suggestion that there is no treatment being provided in provincial jails and correctional facilities. The Solicitor General told Committee members that there are “pathways and plans” when individuals leave and go into the community. She also emphasized that, once someone is released from a facility, “there is no legal obligation for that individual to continue with a treatment program.”
- *Risk Mitigation in Congregate Care Settings* – the Solicitor General was asked what the government is going to do “to minimize and mitigate” risks for people with developmental disabilities who are living in congregate care facilities during the second wave. The Solicitor General responded that one of the extended orders relates to work redeployment, explaining that when individuals work either in a long-term care facility or retirement home, they have a higher risk of transmitting COVID-19 as they move between multiple workplaces. While the Solicitor General acknowledged that it has been challenging for those individuals who were used to working in multiple locations, she said it was an important step that the Minister took to ensure that outbreaks were limited and not being moved from one facility to another.
- *Long-Term Care Settings During an Emergency* – the Solicitor General was asked to walk the Committee through what happens “on the ground” in long-term care settings during an emergency. More specifically, the Solicitor General was asked how the government manages in the event where a home does not comply with the regulations during the pandemic. The Solicitor General responded that, once an outbreak (one positive case) has been declared, a

number of things happen very quickly, starting with the engagement of the local health unit to make an assessment and work with long-term care home management to ensure that they have the appropriate resources. If there is any question of the home having the staffing resources to successfully manage the outbreak, then other steps could include: requesting assistance from Canadian military personnel (as was done with five long-term care homes); or having the local hospital take over management of the home for a period of time (as happened in a limited number of homes).

- *Limiting Long-Term Care Visitors* – the Solicitor General was asked to provide clarification for constituents who want to be able to visit with loved ones in long-term care and may be confused because they were able to do so “not that long ago.” The Solicitor General said that it was a very challenging decision to tell people that visiting must stop. She told the Committee that there is a balance if you know that there is community spread and that the risk goes up when you allow people to come into long-term care homes. The Solicitor General said that this was a balance that Ontarians will have to live with “for a number of months.” The Solicitor General credited long-term care homes that have been able to offer different forms of visiting.
- *Limiting Person-to-Person Interaction in the Justice System* – the Solicitor General was asked to outline the orders aimed at limiting person-to-person interaction in the justice system, as well as what measures are in place to prevent fraud. The Solicitor General responded that the Attorney General acknowledged that people were still going to buy homes and still wanted to make wills and powers of attorney, so the ability to have such legal documents signed remotely “allowed that business to continue.” The Solicitor General also remarked on the ability to conduct more remand and bail hearings remotely through video technology. Regarding oversight, the Solicitor General said that a lawyer or paralegal must be present to witness the signature.
- *Timing of Decisions and Closing Certain Businesses* – the Solicitor General was asked to clarify for the Committee how the government determines the appropriate time to move back stages (for example, from stage 3 to stage 2) and whether there is a threshold. The Solicitor General was also asked how decisions are made about which businesses will be closed and which are allowed to stay open. Regarding decisions to move back stages, the Solicitor General responded that it ultimately comes down to what the numbers are in terms of the outbreaks and how quickly those numbers are changing. In terms of decisions to close certain businesses, the Solicitor General said that ministries engage with their stakeholders and present stakeholder ideas, which are assessed by the health experts to “see whether they will work.”
- *Indoor Gathering Limits and Schools* – a Committee member noted that, in some places, indoor gatherings are limited to 10 people; however, classrooms might still have 30 or more students. The Solicitor General was asked how decisions are made to allow certain spaces to be open and to have more than 10 people

(for example, schools). The Solicitor General responded that there are a number of differentiators. For example, the same individuals go into a classroom every day. As well, students at dance studios must be “registered and known to be going.” The Solicitor General said that school boards and teachers have shown that they were able to successfully pivot and ensure student and staff safety.

- *Challenges with PPE* – the Solicitor General was asked whether there are still challenges with PPE. The Solicitor General said that the situation has “improved greatly” since the pandemic began and remarked that the solution is to make sure that more PPE is made in Ontario.
- *Concluding Comments* – the Solicitor General was asked whether there was anything she did not have a chance to say that she would like to add. The Solicitor General told Committee members that it is important for them “to ask the tough questions.” The Solicitor General also expressed gratitude for the sacrifices made by individuals and businesses, noting “it really does speak to people’s abilities to want to keep each other safe.”

APPENDIX A: TERMS OF REFERENCE*

That a Select Committee on Emergency Management Oversight be appointed to receive oral reports from the Premier or his designate(s) on any extensions of emergency orders by the Lieutenant Governor in Council related to the COVID-19 pandemic and the rationale for those extensions; and

That the Committee shall have a membership of up to eleven Members, comprised as follows:

- Up to seven members of the Government party
- Up to three members of the Official Opposition
- Up to one Independent Member; and

That the House Leaders of each of the Recognized Parties shall indicate in writing to the Clerk of the House, their Party's membership on the Committee; and

That the Government House Leader, in consultation with the Independent Members, shall indicate in writing to the Clerk of the House, the Independent Member on the Committee; and

That the deadline for indicating Committee Membership with the Clerk of the House shall be Thursday, August 20, 2020; and

That the Committee shall meet at the call of the Chair as follows:

- Up to 30 minutes for the Premier or his designate(s) to make an opening statement
- Up to 60 minutes for Members of the recognized Parties to pose questions to the Premier or his designate(s) in 3 rounds of 10 minutes for each Party
- Up to 10 minutes for the Independent Member to pose questions to the Premier or his designate(s) in 2 rounds of 5 minutes each
- Report writing in closed session; and

That the Clerk of the Committee shall convene the first meeting of the Committee no later than Thursday, August 27, 2020 to elect a Chair and Vice-Chair of the Committee, but no Sub-committee shall be appointed; and

That for business conducted under this order of reference, the provisions of Standing Orders 38 (b), (c), and (d) and 134 (c) and (d) shall be suspended.

That the Committee is authorized to present interim reports summarizing each hearing to the House, or deposit interim reports with the Clerk if the Legislature is not in session; and

That the Committee's final report shall be a compilation of all interim reports; and

That the Committee shall be dissolved 30 days following the Government House Leader indicating in writing to the Speaker that the Committee is no longer required; and

That the Committee's final report shall be tabled in the House, or deposited with the Clerk if the Legislature is not in session, before the Committee is dissolved; and

That if the Committee fails to meet this deadline the cumulative interim reports shall be deemed to be the Committee's final report and deemed to be tabled on the date that the Committee is dissolved; and

That an Order shall be placed on the *Orders and Notices Paper* for discussion of the Final Report of the Select Committee on Emergency Management Oversight following its presentation to the House.

** Votes and Proceedings, July 15, 2020, 42nd Parliament, 1st Session*