

Legislative
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SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT

FOURTH INTERIM REPORT

**1st Session, 42nd Parliament
70 Elizabeth II**

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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
February 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 fourth interim report summarizing the Committee hearing that took place on November 20, 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* 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 November 20, 2020.

The Solicitor General stated that, since the last time she appeared before the Committee on October 22, the COVID-19 pandemic has changed significantly as the number of new cases rises and hospital capacity tightens in some areas of the province. Ontario, like much of Canada and the world, is experiencing a second wave greater than the first. She said that the evolution of learning about COVID-19 must be reflected in the response to the virus and that the pandemic will look different at the start of 2021 than it did at the start of 2020.

Keeping Ontario Safe and Open Framework

The Solicitor General indicated that, since this Committee last met, the government has amended O. Reg. 364/20, O. Reg. 263/20, and O. Reg. 363/20 to implement a new scalable response framework.

The Keeping Ontario Safe and Open Framework was developed in consultation with the Chief Medical Officer of Health, local medical officers of health, and other health experts. It reflects the government's one-size-does-not-fit-all response to COVID-19 by laying out a proactive and graduated plan based on the local situation in each of Ontario's 34 public health units. The framework places public health regions into five levels:

- Green (Prevent) – standard measures
- Yellow (Protect) – strengthened measures
- Orange (Restrict) – intermediate measures
- Red (Control) – stringent measures
- Grey (Lockdown) – a measure of last and urgent resort

The public health unit regions have been placed into zones based on epidemiology threshold indicators such as weekly incident rates and the percentage of positive tests, as well as public health system capacity such as available beds, including ICU beds. On November 13, the indicators were updated and the thresholds were lowered in response to new modelling in order to maintain health system capacity, protect the province's most vulnerable, and avoid broader lockdowns.

The Solicitor General said that trends in public health data continue to be reviewed weekly. For example, health units at the green level must maintain a weekly rate of fewer than 10 COVID-19 cases per 100,000 people, and a positivity rate of less than 0.5%. Health units that have a weekly rate of more than 40 cases per 100,000 people and a positivity rate of 2.5% will be placed into the red level. The assessment for the week of November 16th resulted in a number of changes, with Toronto Public Health and Region of Peel Public Health moving from Red (Control) to Grey (Lockdown).

The Solicitor General told the Committee that the decision to move a public health unit into a strengthened stage of the framework is not taken lightly. It is based on the best advice from public health experts, and rooted in the latest data available.

Update on Orders

The Solicitor General grouped the remaining orders (extended for 30 days without amendments) into five categories, with rationales for extension as outlined below.

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. There are five orders remaining in this category.

- O. Reg. 114/20 (*Enforcement of Orders*) – This order provides police officers and other provincial offence 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 attorneys can be safely executed, as there are no alternative 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 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 mitigating the effects of the virus and also addressed approval timelines to create urgent temporary facilities to support physical distancing in certain congregate care settings. There are seven orders under this category.

- O. Reg. 75/20 (*Drinking Water Systems and Sewage Works*) – The Ministry of the Environment, Conservation and Parks implemented a one-time reduction in annual training for waste water operators from 40 hours to 10 hours for the 2020 year to address the shortage of available training due to COVID-19.
- O. Reg. 95/20 (*Streamlining Requirements for Long-Term Care Homes*) – This order ensures that long-term care homes have the flexibility required to maintain 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 instead of a physician or nurse practitioner. 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 payments for work performed during the 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. Public health restrictions continue to be in place, making delivery of timely training challenging.
- 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 the 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 that supported businesses impacted by COVID-19 which have enabled businesses to operate in a safe manner while reducing certain direct costs. One order remains.

- 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 of this order is needed by the hospitality sector to optimize and stretch out the patio season and create hospitality sector jobs.

4) Orders supporting vulnerable sectors

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. There are 14 orders in this category that have been extended.¹

- 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 services 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 pressure 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 give municipalities the flexibility they need to act quickly and continue to provide their communities with critical and

¹ Please note that during the hearings, it was stated that 15 orders were outstanding in this category. However, O. Reg. 77/20 was included twice.

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 in 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, and violence against women and anti-human trafficking sectors will continue to be limited as an important infection prevention measure to protect staff and vulnerable clients. 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 of the order is necessary to address critical issues, such as health human resource shortages across long-term care homes, and to ensure sufficient hospital beds for the COVID-19 pandemic.
- O. Reg. 116/20 (*Work Deployment Measures for Boards of Health*) – The COVID-19 pandemic continues to create increased demands on public health units. This order allows boards of health to take any reasonably necessary measures with respect to redeployment and staffing to respond to, prevent and alleviate the pandemic.
- O. Reg. 77/20 (*Work Deployment Measures in Long-Term Care Homes*) – This order is necessary because flexibility for long-term care operators to recruit and reassign staff remains crucial for preventing and managing outbreaks and ensuring stability and quality in long-term care homes.
- 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 for helping to prevent and manage potential outbreaks and to ensure stability and quality in resident care, especially with the increases in 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 and address these demands.
- 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 the government temporarily prevented child care centres from collecting payments when care had not been provided, and temporarily changed the electricity rates to ensure that Ontarians directed to spend more time at home would not face higher hydro bills. One order remains.

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

The Solicitor General concluded that “orders are the guardrails of our government’s COVID-19 response.” She added that orders can only go so far and that compliance is essential.

Discussion

Questions from the Committee

The Deputy Premier and Minister of Health, the Honourable Christine Elliott, as well as Ontario's Chief Medical Officer of Health (CMOH), Dr. David Williams, joined the Solicitor General to answer questions. The three of them responded to questions on a range of issues from the Committee, including:

- *Determination of Restrictions for Each Region* – A Committee member noted that the Premier announced that day [November 20] that Toronto and Peel region would return to a modified Stage 1 lockdown but that other adjacent regions, such as York region, would not be included. The CMOH was asked to explain the process of determining the various new restriction levels for each region. He stated that multiple data points from each public health unit are looked at on a weekly basis, with a review of trends of the previous four to six weeks. In addition, there is a review of the number of new cases reported per 100,000, how the case numbers are progressing or changing, the percent positivity of testing in the particular jurisdiction, the jurisdiction's case contact management, and health care indicators associated with hospitals, ICU beds, and capacity. Dr. Williams emphasized the importance of consulting each medical officer of health for their perspective when a change is going to be undertaken. The benefits and consequences, including economic impacts, are weighed. The public measures table reviews the science and evidence.
- *Travel Between Regions* – Committee members remarked that people from regions with high restrictions may flow into adjacent regions that have lower restrictions. The CMOH was asked how safety is being balanced with the economy and whether safety should "always trump." Dr. Williams responded that, in the summer in Ontario, when asked, people did not go up to cottage lands to a large extent. He added that the current recommendations are that people keep to only essential travel. In response to a similar question, the Deputy Premier replied that people are being asked to stay in place, shop locally, and especially not to travel from hot spot zones to zones with fewer restrictions. She echoed Dr. Williams that people followed the rules in wave 1 and people are asked to do the same in wave 2.
- *Isolation Centres* – The CMOH was asked how many isolation centres (where people who have tested positive can go to avoid infecting the rest of their households) have opened in Ontario since the last Committee meeting and how many more are planned. Dr. Williams noted he did not have the exact figures in front of him but that there are well over 150 such centres in the province. More will be opened, with special pop-up centres in the areas of high transmission in Peel, Scarborough, and various parts

of Toronto. Dr. Williams added that rapid access testing is ramping up, with pharmacies now performing tests in various locations.

- *Statistics Regarding People of Colour and Community Liaisons* – A Committee member noted that data from Statistics Canada has shown that the death rate in Ontario from COVID-19 in communities that have a larger percentage of people of colour is three times higher than that of the rest of the province. The member wished to follow up on a request made at the last Committee meeting for the government to provide funding for community liaisons who would help disseminate important information, including to communities where English is not their first language. The Deputy Premier responded that recognition that there are areas with higher transmission is one of the reasons Peel region and Toronto are being moved to lockdown. She noted that in some hot spot areas people have been permitted to come into some assessment centres on a walk-in basis rather than making appointments to take into account “language and sometimes socio-economic issues,” such as no access to a computer. The Deputy Premier added that she is aware of the need to work with the appropriate community agencies and community health centres with respect to testing and eventually vaccinating for COVID-19.
- *Funding for Local Health Organizations* – The Deputy Premier was asked whether additional funding would be provided to local health organizations as they have been working with pre-pandemic budgets. The Deputy Premier stated that a billion dollars has been put into additional testing, tracing and contact management, which has supported many of the local public health units. In addition, extra contact managers have been provided to certain hot spots—an additional 200 in Toronto, 150 in Ottawa, and over 100 in Peel—while some of the public health units that are not undergoing significant volumes of COVID-19 cases, in the north particularly, are helping units in the hot spot areas.
- *Keeping Ontario Safe and Open Framework* – A Committee member noted that it “is a tough day for businesses” and asked for further information on why it is important that the Keeping Ontario Safe and Open Framework allows for the early introduction of preventative measures to help limit the spread of COVID-19 and to keep children in school. The CMOH commented that the framework reflects the need to “move quicker or sooner” to intensify the public health measures, because the modelling data shows that acting earlier has more impact. He further stated that there is a need to balance that consideration with what is reasonable in each area and part of the province, and to make sure that the limitations are necessary, preventive, upstream, and in accordance with the advice of the local health department. He also noted that the lockdown feature has been added to the framework, beyond the red zone.

- *Restrictions Imposed by Public Health* – A Committee member asked why public health units are allowed to add their own restrictions on top of the Keeping Ontario Safe and Open Framework. Dr. Williams said local public health is municipally or regionally incorporated, which means that each medical officer of health and their team is on the ground, assessing their community's needs and pressure points. He further indicated that local public health is encouraged to take steps that may be applicable only in their own jurisdiction. He stated that public health units should not have to wait for the Province, but should advise the Province when they do take further steps. He also mentioned that on November 20, their powers were enhanced, including the ability to use bylaw officers to carry out steps stringently and to register fines against those who are not following measures.
- *Orders Addressing Retirement Homes* – The Solicitor General was asked how the extension of the orders relating to retirement homes is dealt with by the retirement home regulator. The Solicitor General noted that many of the protections and orders that were put in place, such as ensuring that staff do not travel between different homes, have been applied to the retirement home sector, as well as the long-term care sector. She said that it is an acknowledgement from Minister Cho that retirement homes have the same protections as long-term care homes.
- *Fines* – The Solicitor General was asked to, among other things, clarify who can issue fines and what those fines are. The Solicitor General responded that there is a suite of individual peace officers—police, bylaw enforcement officers, and conservation officers—who can levy tickets and fines for infractions. As of November 20, section 22 orders may be issued by local medical officers of health and enforced through the same individual peace officers. The Solicitor General stated that fines are set by the Chief Justice, but currently there are individual fines of \$750 and, for more egregious examples, up to \$10,000. It is her understanding that well over 700 fines have already been issued by the police alone.
- *Staffing Restrictions in Long-Term Care Homes*: A Committee member noted that, while there is a regulation that restricts employees to working in one long-term care home and no other facility, there are people from temporary agencies who work in more than one such facility and others who work in grocery stores or in a school as well as a long-term care home. The Solicitor General was asked why the regulation has not been expanded to include those kinds of situations. The Solicitor General responded that it is most important to ensure that staff are in the homes where they are needed and the vast majority of staff have chosen “one pathway or another.” She added that the challenges of long-term care homes in keeping adequate staff must be understood when deciding staff restrictions. She stated that, over the course of the pandemic, the government called on both the Canadian Red Cross and the military, but

there is a need to make sure that long-term care home staff have the ability to work safely.

- *Big Box Stores Remaining Open* – A Committee member referred to the decision to require small businesses in Toronto and Peel region to close and observed that “there is often a lack of adherence to what would be good public health guidelines in big box stores,” such as appropriate physical distancing. The Minister of Health was asked how this will be addressed. The Minister of Health said that the government was concerned about small businesses when making this decision, and that the Minister of Finance has indicated that the amount of financial relief available to small businesses will be doubled through property taxes and electricity costs, from \$300 million to \$600 million. In addition, small businesses, including restaurants, can also remain open for online sales, pick-up and delivery, and people are being encouraged to take advantage of these options. She stated that big box stores—which are being restricted to 50% capacity and require security and number counts—are being kept open because they provide essential services. She noted that trying to cordon off areas within stores that are just for essential services is very difficult, which other jurisdictions have found as well.
- *Modelling of the Curve* – A Committee member observed that between October 6 and November 4, the number of COVID-19 cases was increasing, but the Premier made comments that the curve was flattening or going down, and that based on modelling, there would be an easing of restrictions. The Committee member remarked, “Obviously, something wasn’t accurate, because based on what was announced for Monday, that was a bit premature.” The member asked what was observed in the modelling to indicate that the province needed to “aggressively reopen.” The Minister of Health responded that the numbers have fluctuated considerably in wave 2. She said that, while the numbers appeared to plateau, “None of us can predict exactly what’s going to happen with those numbers, but we have to react quickly, and we are reacting quickly.” She said the framework was brought forward so that people would have advanced warning about the status of their local public health unit. The Minister added it is also “absolutely essential” that people continue to follow the public health rules despite COVID-19 fatigue and the knowledge that a vaccine is on its way in “several months.” The current lockdown measures were taken in Toronto and Peel region because the numbers there “are increasing at pretty staggering levels.” Other regions may be locked down as well if they reach those levels.
- *Modelling as Prediction* – A Committee member remarked that “modelling in itself is a prediction.” He asked what was the “massive change” in the modelling—the basis of the decision to ease restrictions—that subsequently resulted in the announcement of a new framework and then within a week of this announcement, a change to the parameters of that

framework. The CMOH responded that when changes were being implemented to a modified stage 2, the data had predicted that there would be 2,000 to 3,000 cases per day, but the numbers had leveled at about 900 to 1,000, "day after day, up and down a little bit there." He said that, while the numbers did not go down, they also did not go up anywhere near the predictions. He stated that public health experts wanted to make the public health measures work better (since people were starting to disregard them) so they decided to put out a framework to share the data with the public broken down by region.

- *Preventing Transmission of COVID-19* – The CMOH was asked "what is the number one thing that Ontarians can do to stop the transmission of COVID-19?" Dr. Williams replied that the virus is spread through droplets from people. He said the virus can be eliminated by, among other things, maintaining the six foot or two metre distancing, staying home if ill, and making sure to wear a mask in public settings where the six foot distancing cannot be maintained at all times. He added that in some compliant areas, not only is COVID-19 under control but there are hardly any other respiratory viruses. He encouraged everyone to keep following the measures despite the fatigue.
- *Indoor Spread of COVID-19* – A Committee member noted that a medical officer of health has stated that there will likely be a second wave in the fall because everyone will be inside. The member asked: "Why does being inside, in any venue, with people who are not people in your household, in and of itself present a problem for the spread of the virus?" The CMOH stated that there are no large outbreaks of influenza in the summer as people are outside. He suggested that when people go inside, their innate immunity drops, they become less careful, and they are in close contact with their children. Dr. Williams added that it was not known when the second wave would arrive and whether it would be small, big, or catastrophic. He stated that indoor settings such as restaurants or spin classes are high risk for virus transmission.
- *Training of Redeployed Staff* – The Solicitor General was asked to comment on how the government is ensuring that redeployed staff are being properly trained for those jobs. The Solicitor General stated that, in response to the request of municipalities, the government introduced a temporary order authorizing municipalities or district social services administration boards (DSSABs) to take any reasonably necessary measures to respond to, prevent, and alleviate COVID-19 outbreaks so as to prevent, reduce, and mitigate the effects on the delivery of critical municipal services. The Solicitor General said that municipalities and DSSABs, as employers, should ensure that staff being reassigned to new duties are provided sufficient training, have the appropriate skills, and are provided sufficient protection, including from COVID-19. She stated it is recommended that municipalities and DSSABs work with their legal

counsel for advice and understanding of the flexibility the orders provide in managing their organizations. She added that the *Occupational Health and Safety Act* would continue to apply.

- *Order re: DSSABs* – The Solicitor General was asked why the order allowing for staffing flexibility within the agencies governed by DSSABs continues to be necessary after having been issued in the early days of the pandemic. The Solicitor General responded that it was understood that critical services related to domestic violence, human trafficking, and mental health and addiction needed to continue during the pandemic. She said the order in question allowed the DSSABs to continue to do “their critical, important work.” The Solicitor General remarked that her own ministry has seen an increase in domestic violence calls to police services and an increase in street racing during the pandemic.
- *Health and Safety as the Current Priority* – A Committee member said that in the summer there were efforts to keep businesses open as much as possible. The member noted that now case numbers are going up and asked whether it would be fair to say that the number one priority at this time is the health and safety of Ontarians. The CMOH responded “definitely.” He said hard work is required to get people back to complying and reducing the possibility of congregate activities, especially in the hot zones. He added that this is not just a Toronto and Peel region issue as a number of units across the province have moved from green to yellow, yellow to orange, and orange to red.
- *Price Gouging Complaints* – Committee members noted that CBC’s Marketplace has reported that 30,000 complaints were made about price gouging in Ontario but that no charges have been laid, which has left consumers feeling frustrated. The Solicitor General was asked to confirm whether charges have been laid for price gouging and to provide the details after the Committee meeting. She was also questioned about the effectiveness of the hotline if there have been no charges or fines half a year after its creation, and only public shaming carried out by the Premier on television regarding a few high-profile cases. The Solicitor General said that the hotline provides an avenue for consumers to easily make a complaint without having to go directly to the police. She committed to providing the specifics and stated that, after having spoken to Minister Thompson, she can assure the Committee that many investigations have been opened. There is a two-stage process—first the Ministry of Government and Consumer Services assesses whether there should be further investigation, and, if so, the file is forwarded to the local police service.
- *Non-Disclosure Agreements* – A Committee member remarked that the Ministry of Health, through the command table, has used non-disclosure agreements (NDAs) to get outside advice. The Solicitor General was

asked whether she uses NDAs when she gets outside advice as the minister responsible for emergency management. The Solicitor General replied that she cannot think of a time where she has asked for outside advice or explored outside advice in terms of emergency measures in Ontario.

- *Return to State of Emergency* – A Committee member stated that Bill 195 has changed the way the COVID-19 emergency can be managed by only allowing the government to move forward with those regulations that are “still on the books.” The member asked the Deputy Premier whether consideration has been given to returning the province to a state of emergency given that the situation has rapidly changed and Bill 195 has restricted the ability to respond in the sense of only being able to use the measures currently in place. The Deputy Premier replied that, “as the Premier has said, everything’s still on the table.” She said that if the situation gets significantly worse across the province, then that might be something the government “would have to consider.” She indicated that, at present, lockdown measures in Toronto and Peel region are being implemented to try to bring the numbers down.
- *Manitoba Model* – A Committee member commented that there is a lot of pressure being put on small businesses, many of which have made big investments to adapt to the pandemic, while large retailers that often have non-essential goods are remaining open. The member asked whether there was consideration given to a Manitoba model. The Deputy Premier noted “there’s nothing fair about COVID” and said that efforts are being made to make sure that small businesses can be available for online purchases and curbside pickup. She repeated that the large retailers that are staying open are only those that are selling essential goods and they have capacity limits.
- *Cost to the Economy* – A Committee member remarked that six postal codes in York region have positivity rates of more than 9% and that “a lot of” independent medical experts are questioning whether some decisions will, in fact, flatten the curve “or do the opposite.” The CMOH was asked whether the cost to the economy has been determined for each positive case of COVID-19, and whether there is a way of addressing the spread of COVID-19 while also helping the economy. Dr. Williams responded that such an analysis has not been performed because it is a moving target, with many variables. Dr. Williams indicated that his “table” is always focused on recommendations addressing the health side; he lets others deal with some of the economic impacts of those recommendations. He noted that government decision makers have said that health is the priority at this time while understanding the fiscal and economic difficulties.

- *Crowded Public Transportation* – A Committee member observed that in his Toronto riding, buses running on a particular route are “very packed” and that a simple fix, even on a temporary basis, would be to add more buses on that route so that people could socially distance. The Deputy Premier was asked whether the government or command table is considering additional funding and support for public transit. The Deputy Premier replied that her responsibility as Minister of Health is focused on health issues but that a whole-of-government approach is being used for health issues encountered by other ministries. This particular issue would be something discussed with the Minister of Transportation.
- *Targeting of Restrictions* – The CMOH was asked whether there is an ability to make changes within the 28-day period of the announced Keeping Ontario Safe and Open Framework measures in certain regions in order to do what is least intrusive but most effective. Dr. Williams responded that he reviews the data of local public health units every week. If a health unit’s numbers are increasing very quickly, he will recommend the unit move to a higher zone, even within the 28 days. However, he typically does not move a unit to a lower zone too quickly because it takes time for them to conduct the case contact management. Dr. Williams said that, at the same time, local medical officers of health have increased powers to target certain areas within their jurisdictions with more stringent actions, including in education and promotion.
- *Broad Public Health Issues* – The CMOH was asked how metrics on some of the public health consequences of the pandemic (mental health, substance abuse, and opioid addiction) are considered when looking to balance the public health needs of the population, and who is helping make some of these decisions. Dr. Williams said Dr. Huyer, the Chief Coroner, has been added to his team. He noted that presently, when reviewing data, risk factors and what more could or should be done to mitigate the impacts are being considered, with regional differences taken into account. He concluded that he is seeing an increase of “deaths of despair” affecting males 35 to about 49, 80% being white. He is exploring ways of building communities of support for individuals facing these public health issues.

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*