

Legislative
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SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT

SEVENTH 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.

A handwritten signature in black ink that reads "Daryl Kramp".

Daryl Kramp, MPP
Chair of the Committee

Queen's Park
March 2021

SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT MEMBERSHIP LIST

1st Session, 42nd Parliament

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Research Officer

MONICA COP
Research Officer

CONTENTS

INTRODUCTION	1
COMMITTEE MANDATE	1
STATEMENT AND DISCUSSION	2
Solicitor General's Statement	2
Update on Orders	2
Discussion	7
APPENDIX A: TERMS OF REFERENCE*	15

INTRODUCTION

The Select Committee on Emergency Management Oversight is pleased to present its seventh interim report. The report summarizes the testimony and discussion from the Committee hearing that took place on January 13, 2021. 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.

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 January 13, 2021.

In her opening remarks, the Solicitor General said that, despite all efforts outlined over the previous six Committee meetings, it is clear that “we are fighting the spread of a virus that has once again led us to the brink of a health crisis.” For this reason, Ontario has declared a second provincial emergency under the *Emergency Management and Civil Protection Act* (EMCPA). On Thursday, January 14, Ontario will implement a stay-at-home order: “This will ensure that individuals are only leaving their home for essential reasons, including essential work, groceries, and pharmacy trips, as well as exercise.”

The Solicitor General explained that the stay-at-home order “allows outdoor gatherings of five people or fewer, only for the essential purposes outlined in the order.” She said that reducing outdoor gathering limits from 10 to five people supports the government’s efforts to stop the spread of COVID-19. She also advised that Ontarians are strongly encouraged to limit outdoor social gatherings and to take appropriate measures to limit any potential spread, “such as wear a mask and ensure social distancing.”

The Solicitor General informed the Committee that the government has also created new orders that

- provide new authority for police and other provincial offences officers to disperse gatherings or organized public events that are not complying with limits;
- ensure all provincial offences officers—not just police, First Nations constables and special constables—can temporarily close premises where prohibited gatherings are occurring; and
- provide additional tools to law enforcement partners, such as the ability to “ticket individuals who are not following masking and distancing requirements while outdoors and on the premises of a business or organization.”

Update on Orders

The Solicitor General advised that, since the Committee’s last meeting on December 14, 2020, a number of amendments have also been made to existing orders under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA). Specifically, like many jurisdictions across the world, Ontario implemented a “time-limited provincial shutdown” beginning on Saturday, December 26, 2020. This province-wide shutdown required amendments to O. Reg. 82/20 (*Rules for Areas in Stage 1*) and O. Reg. 363/20 (*Stages of Reopening*).

All public health unit regions not already in the Grey (Lockdown) zone of stage 1 were moved to that zone. As a result, all of Ontario became subject to the public health measures under O. Reg. 82/20, as amended.

Amendments to O. Reg. 82/20 included

- setting out public health and workplace safety measures that apply to businesses, organizations, facilities and places during the shutdown;
- prohibiting indoor organized public events and social gatherings except with members of the same household;
- prohibiting in-person shopping in most retail settings;
- limiting discount and big box retailers selling groceries and stores that sell liquor to 25% capacity for in-store shopping;
- restricting access to shopping malls; and
- prohibiting in-person teaching or instruction (with limited exceptions) at all publicly funded and private elementary and secondary schools.

The following orders are still in effect under the ROA until January 20, 2021. Orders are listed chronologically and include a brief statement of the Solicitor General's explanation of why they continue to be necessary.

- O. Reg. 74/20 (*Work Redeployment for Certain Health Services Providers*) – The health sector continues to experience increased demands and pressures as a result of COVID-19. This order is necessary to address surgical backlogs and health human resource shortages across long-term care homes and to ensure that there are sufficient hospital beds during the COVID-19 pandemic.
- 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 in 2020 to address the shortage of available training due to COVID-19.
- O. Reg. 76/20 (*Electronic Service*) – This order allows document service in legal matters to be handled electronically instead of in person. The order is necessary to enable access to justice while reducing unnecessary contact between individuals in order to slow the spread of COVID-19.
- O. Reg. 77/20 (*Work Deployment Measures in Long-Term Care Homes*) – This order is needed because flexibility to recruit and reassign staff remains crucial for preventing and managing outbreaks and ensuring stability and quality in long-term care homes.

- O. Reg. 95/20 (*Streamlining Requirements for Long-Term Care Homes*) – This order provides flexibility and reduces administrative requirements for long-term care homes, enabling them to respond quickly to the care and safety needs of residents.
- O. Reg. 98/20 (*Prohibition on Certain Persons Charging Unconscionable Prices for Sales of Necessary Goods*) – The order is in place so that consumers can continue to file complaints with the Ministry of Government and Consumer Services about price gouging with respect to the necessary goods set out in the order, some of which remain in short supply.
- O. Reg. 114/20 (*Enforcement of Orders*) – This order ensures that individuals are required to identify themselves to a police officer or other provincial offences officer if the officer has reasonable and probable grounds to believe that a person has committed an offence under section 10(1) of the ROA. Without disclosure of identifying information, provincial offences officers would be unable to effectively enforce orders.
- O. Reg. 116/20 (*Work Deployment Measures for Boards of Health*) – As the province “progresses through the framework,” there continue to be 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. 118/20 (*Work Deployment Measures in Retirement Homes*) – This order allows flexibility for retirement home operators to recruit and reassign staff. It remains crucial for helping to prevent and manage outbreaks and to ensure stability and quality in resident care, especially with the increasing cases in recent weeks.
- O. Reg. 121/20 (*Service Agencies Providing Services and Supports to Adults with Developmental Disabilities and Service Providers Providing Intervenor Services*) – This order allows developmental service agencies and intervenor service providers to 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 that developmental service agencies can alleviate staffing pressure while responding to challenges posed by COVID-19.
- O. Reg. 129/20 (*Signatures in Wills and Powers of Attorney*) – This order allows the execution of wills and powers of attorney to be completed virtually. Stakeholders have indicated that they are still relying on the order to ensure wills and powers of attorney can be safely executed, as there are no alternative processes available.

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- O. Reg. 132/20 (*Use of Force and Firearms in Policing Services*) – This order allows chiefs of police to authorize members of police services to perform duties involving use-of-force and to carry a firearm if those members have successfully completed relevant training within the 24-month period before the authorization is made (instead of the annual training required under the *Police Services Act*). The order allows police personnel to continue to be deployed to keep communities safe despite delays in annual training due to COVID-19.
 - 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. 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.
 - O. Reg. 145/20 (*Work Deployment Measures for Service Agencies Providing Violence Against Women Residential Services and Crisis Line Services*) – This order enables residential violence against women and anti-human trafficking service providers, as well as crisis lines under the violence against women support services program, to 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. 146/20 (*Limiting Work to a Single Long-Term Care Home*) – The order is still necessary because limiting the number of staff moving across multiple settings is an important component of infection prevention.
 - O. Reg. 154/20 (*Work Deployment Measures for District Social Services Administration Boards*) – This order provides district social services administration boards (DSSABs) flexibility to address staffing shortages to ensure personnel are being deployed to critical areas of need in order to respond to COVID-19. DSSABs are being surveyed on the future of the order and to determine next steps.
 - O. Reg. 156/20 (*Deployment of Employees of Service Provider Organizations*) – This Ministry of Health order allows the voluntary deployment of existing home care staff at service provider organizations to provide services such as nursing, personal support services and therapy to other congregate care settings. The need for the order is based on ongoing staffing issues at long-term care homes and retirement homes.
 - O. Reg. 157/20 (*Work Deployment Measures for Municipalities*) – The Ministry of Municipal Affairs and Housing, in response to requests from municipalities, reissued this order to provide flexibility to redeploy staff to ensure frontline services continue to be delivered in critical areas of need. The continuity of service delivery at the municipal level is critical to the health and safety of Ontario's communities and efforts to curb the spread of COVID-19.

- O. Reg. 158/20 (*Limiting Work to a Single Retirement Home*) – Like the order for long-term care homes, 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.
- 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 work to maintain in-person services during the second and any potential future waves of COVID-19.
- O. Reg. 177/20 (*Congregate Care Settings*) – This order limits staff movement across multiple employers in developmental services, intervenor services, and violence against women and anti-human-trafficking sectors as an 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. 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, giving physicians and nurse practitioners more time to focus on patient care during the pandemic.
- O. Reg. 193/20 (*Hospital Credentialing Processes*) – This order is necessary because hospitals continue to experience increased demands and pressures as a result of COVID-19. This order allows hospitals to quickly appoint, reappoint and grant privileges to physicians and other professional staff where necessary to prevent and alleviate the outbreak of COVID-19. Maintaining flexible health human resources is critical for hospitals during the pandemic.
- O. Reg. 195/20 (*Treatment of Temporary COVID-19 Related Payments to Employees*) – The order ensures that any temporary COVID-19 related payments for personal support workers and direct support workers for work performed while the order is in effect are excluded from the maximum increases in compensation set out in the *Protecting a Sustainable Public Sector for Future Generations Act, 2019*.
- O. Reg. 210/20 (*Management of Long-Term Care Homes in Outbreak*) – Long-term care homes continue to experience outbreaks. This order enables the placement of temporary management to effectively protect residents from COVID-19. These management orders allow 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 to allow the Retirement Homes Regulatory Authority to act quickly in cases of outbreak, should an operator be unable or unwilling to manage operations of the home.
- O. Reg. 241/20 (*Special Rules Re Temporary Pandemic Pay*) – This order was designed to help facilitate implementation of temporary pandemic pay and to provide clarity to employers and employees regarding eligibility.
- O. Reg. 263/20 (*Rules for Areas in Stage 2*) and O. Reg. 364/20 (*Rules for Areas in Stage 3*) – These orders are necessary to support the COVID-19 response framework in the future.
- O. Reg. 345/20 (*Patios*) – This order helps municipalities quickly pass or make changes to temporary use bylaws, allowing restaurants and bars to extend their patios to facilitate appropriate distancing and maintain public health measures. The order is needed to help restaurants and bars get ready for the spring patio season, support small businesses across the province, and help maintain and create new jobs to overcome the economic impacts of COVID-19.

The Solicitor General concluded that the vaccine has given Ontario hope. She stressed that, “in the meantime, we must do everything we can to reduce contact and stop the spread by staying at home and abiding by the restrictions.” She also provided assurance that the government “will focus on what is important: ramping up vaccine distribution, easing the burden on our hospitals, long-term care facilities and health care workers, and eventually putting COVID-19 in the rear-view mirror.”

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:

- *Paid Sick Days* – Some Committee members said that workers do not have equal access to employment sick leave benefits and added that many experts are calling for paid sick days as an effective public health intervention. One Committee member asked if the government had assessed whether “guaranteed paid sick leave” would drive down the spread of COVID-19 (and if the government had not undertaken such assessment, why not). Another member asked why Ontario was not prepared to “pony up” its own dollars to augment the federal government’s program. The Solicitor General said that supporting individuals who are struggling because of COVID-19 is “a three-government responsibility.” She noted that there are a number of programs in place to protect employees who need to self-isolate, “including, of course, the two weeks that the federal government has currently provided.” She said that the Ministry of Municipal Affairs and Housing has provided additional funds to municipalities and

district social services administration boards “to allow them to assist individuals who are struggling.” The Solicitor General also informed the Committee that it was her understanding that “there are ongoing discussions about the federal government extending [its] program.” In response, one Committee member commented: “sometimes we’re hearing the government say that there are certainly holes in the federal plan, and then at other times they seem to be relying on the federal plan to do the lifting for them.”

- *Social Supports* – A Committee member noted that on January 12, Dr. Brown (co-chair of Ontario’s COVID-19 science advisory table) publicly stated “that he did not believe that a plan without social supports would work.” The Committee member commented that Ontario’s newly announced public health measures “had nearly no changes or social supports.” He asked: “did the committee receive expert feedback stating that any plan without social supports would fail?” The Solicitor General responded that there have been a number of programs “specifically targeting individuals” through the Ministry of Municipal Affairs and Housing “that flow to our municipal partners.” She said that, “as opposed to a top-down program,” the government has “empowered municipalities to react and respond” by allowing “flexibility” for municipalities and district social services administration boards to provide support where it is most needed in their communities.
- *Measures to Address Root Problems* – The Solicitor General was asked to help Committee members understand why, “from December 26 to now,” measures (such as paid sick days) that would address “root problems” driving workplace spread, “haven’t been increased or implemented,” other than reliance on federal supports. The Solicitor General responded that, at the request of municipal partners, the Ministry of Municipal Affairs and Housing has funded hotels “in the hot spots” to allow individuals to self-isolate. The Solicitor General also said that the federal government “has already implemented a 10-day paid leave,” noting: “We have to look at what the federal government has provided and not duplicate their efforts.” She advised that “when we see gaps, we augment at the provincial level, and we also give additional resources to the municipalities through their DSSABs and their social services agencies to provide that additional support on specific areas in their community.” Regarding support for struggling communities, a Committee member said, “it’s important to acknowledge that, even in the community of Brampton, while there was an announcement about isolation centres, those centres have still yet to be opened.”
- *Crowded Public Transit* – A Committee member noted that he had raised concerns about overcrowded buses in his Toronto riding “time and again.” He asked whether the issue of COVID-19 transmission on public transit “has been discussed by the command table.” The Solicitor General said that there has been “action” both by Metrolinx and by municipal partners. She advised that all municipalities with public transit have received money from the Ministry of Transportation “to make modifications to their bus systems,” including \$15 million for cleaning.

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- *TTC Budget Shortfall* – The Committee member said that he had attended a recent Toronto Transit Commission (TTC) meeting and that the TTC is “seeing a huge budget shortfall,” because of lockdown measures and ridership decline. He said that “the discussion of funding has come with strings attached” and commented that he had not heard about any “specific targeted funding in areas where we have high levels of COVID transmission and a need for, at least on a temporary basis, more buses being added.” The Solicitor General responded: “I would recommend that you ask where the \$2 billion to all transit agencies—how that has been used, and I would reference the \$15 million that was given for cleaning.” She said that the municipalities “most directly providing the services” need “flexibility to spend that money in a way that will keep their system operational and as safe as possible for their staff and the residents who are using the transit.”
 - *Public Reporting of Workplace Outbreaks* – The Solicitor General was asked whether the government has been advised that it should release information about workplace outbreaks, similar to information that Toronto Public Health has decided to publish (including naming specific workplaces). The Solicitor General said that when a business has an outbreak, and members of the public “have access to it,” there is “a very reasonable argument” that the business has a duty to acknowledge the outbreak and to provide information about “what they have proactively been doing” (for example, shutting down temporarily for cleaning). Regarding businesses “that do not have access to the public,” the Solicitor General noted that “internally, the staff are notified.” She emphasized that 450 labour inspectors across Ontario “are going into businesses that are open, manufacturers that are open” in order to ensure that they understand and are adhering to the additional public health measures. She also advised that the Minister of Labour was engaging in “some very targeted enforcement” related to businesses “that are experiencing a higher percentage of outbreaks.”
 - *Workplace Transmission* – The Solicitor General was asked to explain what the government is doing to address workplace transmission in sectors that remain open, including whether data is being used to inform decisions. The Solicitor General responded that food production and critical manufacturing must continue to take place. She said: “Even when you remove all the non-essentials, there are still workplaces that must be on-site and continue to operate.” She reiterated that “the Minister of Labour has 450 labour enforcement officers out across Ontario,” noting that enforcement officers are focused on the sectors that “continue to stay open, but also that have seen outbreaks.” She said that the government has also “put additional pieces in the EMCPA, including the need for masking indoors.” As well, every employer in Ontario that continues to operate, “must have safety guidelines on-site and understood by all their employees.” The Solicitor General clarified that “the Ministry of Labour has put out literally hundreds of guidelines” that are “very site-specific” in order to provide guidance to employers to help them “put together those safety guidelines.” She advised that when employers “don’t adhere, frankly, there are fines.”

- *Intersection of the ROA and the EMCPA* – The Solicitor General was asked to clarify the framework for Ontarians who are confused about whether and how the existing orders under the ROA will operate in light of the new emergency measures introduced under the *Emergency Management and Civil Protection Act*. The Solicitor General noted that almost all of the regulations she referenced in her opening remarks are attached to the ROA. She said that the declaration of emergency under the EMCPA “works together with” the ROA and that “it’s not a case of one overriding the other.” She emphasized that the “biggest piece” of the emergency declaration “is the stay-at-home order.” The Solicitor General said that “the exciting part for us in 2021 is that the vaccines are on their way.” However, she noted: “The last thing we want to see is, as you start to see vaccination rollout, people let down their guard and people end up paying the price by getting COVID-19.” The Solicitor General commented on the willingness of long-term care residents to receive the vaccine, citing a 90% success rate in terms of willingness, “which, as I understand it, is unheard of.”
- *Provincial Declaration of Emergency and Enforcement* – A Committee member commented that the declaration of a provincial emergency “adds a whole layer of complexity to the already complex system of police enforcement.” She asked: “If the goal is to ensure individuals are following the orders, how does this whole new system make the rules easier to follow?” The Solicitor General responded: “The easiest way—and I described it this way to my constituents—is if you don’t need to go out, then please don’t.” She said that the stay-at-home order “will be successful if people respect it.” She said that just as the vast majority of Ontarians “would never think of drinking and driving, the vast majority of us have chosen to adhere to the public health guidelines.” Ontarians need to make sure that “our friends and neighbours who are a little more—how shall we say—lackadaisical, understand how critically important it is.” The Solicitor General concluded: “I don’t think any of us want to be in a place where we don’t protect” vulnerable Ontarians, such as seniors.
- *The Need for Additional Public Health Restrictions* – A Committee member commented that, throughout the world, COVID-19 rates are rising with increasing hospitalizations. She said that Ontarians cannot forget that our health care workers put themselves at risk for us everyday. She referenced the lockdown measures implemented across the province on Boxing Day and said: “Clearly, since then, more stringent measures are apparently necessary.” She asked the Solicitor General to explain to the Committee “why the December shutdown has not really bent the curve” and what the new changes will do to make a difference. The Solicitor General responded that, without the December 26 lockdown measures, “our numbers would be even more disturbing.” She said that Ontarians only have to look at other jurisdictions in Canada and around the world “to see what happens and how quickly if we don’t act, Ireland being the most recent case study.” The Solicitor General expressed her belief that when people “adhere to the restrictions as we’ve laid them out, we do see success.” She said that, with the declaration of emergency, Ontario is “reinforcing the ‘stay at home, stay safe, save lives’ piece.”

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- *Government Communication and Messaging* – A Committee member expressed concern about the timing of government communications and actions related to the December 26 lockdown measures and the new provincial emergency orders. He also said that government messaging has been unclear. For example, he noted: “I can go and get a pair of skis next week, because they’re open. I’m not supposed to go out, but they’re still open.” The Committee member asked what the government has done “to communicate to people clearly in those communities that are hardest hit,” citing language difficulties as well as different cultures and different understandings that could lead to certain communities being “unfairly penalized.” The Solicitor General responded that “when the Premier says, ‘Stay home, stay safe, save lives,’ that’s a pretty clear message.” In terms of communicating that message to individuals who do not have English or French as their first language, she said that the government has “done many, many social media campaigns.” She also commented that it is the responsibility of all members of provincial Parliament to assist with that messaging “in our own communities.”
 - *Timing of the New Emergency Orders* – The Solicitor General was asked to help Committee members understand “why it took so long” for the government to move forward with the new emergency orders, given that it was “very clear what direction we were headed in.” The Solicitor General responded that Cabinet decisions are driven by public health advice and COVID-19 modelling projections. She said that information about increasing COVID-19 cases is also “overlaid” with questions about hospital capacity and whether there are specific regions or communities within Ontario that are “more at risk.” The Solicitor General also commented that a number of “other pieces” have entered the picture since December 26, such as “a UK variant.” She said that Ontario now has “this beautiful opportunity to vaccinate people as quickly as we get the vaccines.” Regarding vaccination, the Solicitor General noted “another layer of complexity” in terms of the capacity within Ontario’s public health units and medical professions “to provide this other critically important piece.”
 - *Long-Term Care* – A Committee member referred to assurances from the government and the Premier “that there would be an iron ring” built around Ontario’s long-term care homes. The Solicitor General was asked if she could help Committee members understand the current situation in long-term care, including what was being done to address staffing shortages. The Solicitor General commented that she would not “point to the fact that there have been historic challenges with retaining and keeping PSWs in the workplace,” which she said was “a historic issue that we can set aside and talk about at length at another time.” She noted that the government has developed “some exciting programs” that are fast-tracking individuals who want to become personal support workers and other health care workers. She said: “While the numbers are very early, some very exciting feedback is coming that, within a week of someone starting a PSW training program, they’re being offered a full-time job.”

- *Vaccine Hesitancy* – Regarding vaccine hesitancy, a Committee member asked: “What’s going to happen to make sure that we’re having those conversations that are needed to instill trust in our population?” The Solicitor General responded that the vaccine task force has “reached out” to ethicists and to vaccination experts. She said that one of the responsibilities of the vaccine task force “will be to put those experts in front of the public” in order to respond to questions (for example, what are the differences between different vaccines and what are the expected side effects, if any). The Solicitor General further advised that the government had sent out “a number of frequently asked questions to allow long-term care medical staff” to share that information with residents, workers and essential caregivers “so that they have all the information that they need to make a decision on whether, ultimately, they want to get the vaccine.”
- *Closure of Small Independent Businesses* – On behalf of their small business constituents, Committee members asked how the government decided that it is safer for people to shop in-person at a Costco or a Walmart rather than at a smaller business owned by an individual. One Committee member asked what scientific data the government was relying on and questioned why Ontario does not “trust the small business sector to do what the large box stores are doing.” The Solicitor General responded that decisions have been made on the basis of public health guidance with regard to controlling and limiting the spread of COVID-19 and ensuring “that we do not see shortages of food or driving more people to be concerned about shortages.” She said that the government decided that “stores selling primarily food can continue to provide that essential service,” while others “will continue to be able to provide the service curbside.” The Solicitor General referred to the 450 labour inspectors targeting businesses that remain open. She suggested that Committee members should work with their constituents in order to make sure that small businesses “are tapping into many of the programs that are available.”
- *Avoiding Enforcement Challenges* – In reference to stories about curfew enforcement challenges in Quebec, the Solicitor General was asked: “How does Ontario intend to avoid these kinds of challenges with the robust stay-at-home order that is in place now?” The Solicitor General responded that one of the reasons Ontario chose not to move forward with a curfew was an understanding “that people do not all work traditional 9-to-5 hours.” To ensure that essential workers could continue to work/travel to work, the government made a decision to issue “a stay-at-home order, as opposed to a curfew.” She added that the government is “being clear with our stay-at-home regulations about what is allowed and what is not.”

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- *Stay-at-Home Order or Curfew* – A Committee member asked the Solicitor General to explain how the government’s stay-at-home order is “any different than a curfew.” The Solicitor General responded: “The difference is an acknowledgement that the average Ontario worker does not work Monday to Friday, 9 to 5. It’s an acknowledgement that we have people who, for very legitimate reasons, must be out of their homes after 8:00 p.m.” She added that Ontario’s stay-at-home order makes sure “that we are protecting as many people as possible with a very clear message, which is: Stay at home unless you absolutely need to leave.” Commenting on the response to this and other questions posed, the Committee member said that 30 minutes was “nowhere near what we need to be able to get answers to our constituents’ questions.”
 - *Vaccine Technical Briefing* – A Committee member observed: “The COVID-19 vaccine rollout is probably the single most important thing we can do to protect each other, get our economy back on its feet again and protect the most vulnerable.” He said that Committee members and “members of the opposition” are not receiving technical briefings related to vaccines and the vaccine rollout. In contrast, he said: “When this pandemic started, critics were getting briefed... Now that we have the single most important thing, we haven’t really heard very much about it, and there’s no real, clear plan, with milestones and goals and regular reporting.” The Committee member asked a number of questions, such as why vaccinations were paused over Christmas and would the government commit to making sure that members “are briefed on that very important plan for every Ontarian.” The Solicitor General responded that phase 1 of the vaccination plan has been made public and “has been out for a number of weeks.” She said that it is “very clear” that this first phase includes long-term care residents, staff, and essential caregivers and critical health care workers. She said that another “important piece” in terms of ensuring that vaccination is done fairly is allowing the local medical officers of health and the hospital CEOs to have “some local control and discretion about who gets that vaccine.”
 - *Child Custody* – The Solicitor General was asked whether she could comment on enforcement of child custody orders, and specifically whether orders would be enforced in situations where one parent has concerns that the other parent “is being careless” and so refuses to let their children go to the other parent’s house. The Solicitor General said that the declaration under the *Emergency Management and Civil Protection Act* does allow child custody orders to continue. In terms of “when one parent is concerned” that the other parent is not adhering to public health guidelines, she said that she would have to “take that back to the Attorney General and have a conversation with him about that.”
 - *Intraprovincial Travel* – Regarding travel within the province, a Committee member asked whether parents from one region (Sarnia–Lambton) could travel to another region (Ottawa) in order to bring their child home from university, “or if they could be in jeopardy of being fined by the police.” The Solicitor General responded that the government has “not put restrictions on having a person

travel within the province. We are discouraging non-essential travel, but in the scenario that you have laid out we would not prevent that from happening.”

- *Local Interpretation of the Provincial Vaccine Distribution Framework* – The Solicitor General was asked to provide some general guidance to local vaccine steering committees regarding interpretation of Ontario’s ethical framework for COVID-19 vaccine distribution. The Solicitor General responded that “the positive outcome of the COVID vaccine and the vaccination rollout has been a very quick breaking down of silos.” She said that the vaccine task force has meetings with public health units and hospital CEOs in order “to share the ethical guidelines” as well as to discuss any concerns or questions. This allows all public health units “to get the information at the same time.” The Solicitor General commented that it was “really encouraging to see” public health units working directly with local hospitals and local hospitals working with long-term care and retirement homes. She said that decisions about prioritization reflected in the framework are “very much driven by who is getting COVID-19, when they get it and what happens in terms of” whether outbreaks are more serious for certain groups, such as the elderly and those in congregate settings. The Solicitor General also commented that, because the Pfizer vaccines do not come in individual vials, “once you mix that vaccine ... you must use it very quickly.” For this reason, “in some cases, if an appointment is missed” or “if we don’t have a long-term care resident, then we still want to use that vaccine.” She explained that this is when, for example, a nurse in a hospital who works with COVID-19 patients “might be getting a vaccine, because it’s already prepared and they don’t have a long-term care resident.”
- *Approval to Move Pfizer Vaccines* – A Committee member commented on new information provided by Pfizer that its vaccines could be moved. She provided an example from her constituency where a “pop-up” vaccination site had been set up at Orchard Villa in Pickering “by the next day.” She asked the Solicitor General to comment on the significance of the new information from Pfizer regarding moving vaccines. The Solicitor General echoed the Committee member’s comments, noting that the ability to move vaccines was “a game-changer,” given that the majority of long-term care residents are not mobile. She said that she anticipated that the “original four hot zones” (Windsor-Essex, Toronto, Peel and York) would all “blow through” the goal of having all of their “long-term care residents vaccinated, staff and critical care, by January 21.”

**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*