

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT

EIGHTH INTERIM REPORT

1st Session, 42nd Parliament
70 Elizabeth II

ISBN 978-1-4868-5256-7 (Print)
ISBN 978-1-4868-5257-4 [English] (PDF)
ISBN 978-1-4868-5259-8 [French] (PDF)
ISBN 978-1-4868-5258-1 [English] (HTML)
ISBN 978-1-4868-5260-4 [French] (HTML)

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

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
May 2021

SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT MEMBERSHIP LIST

1st Session, 42nd Parliament

DARYL KRAMP
Chair

TOM RAKOCEVIC
Vice-Chair

ROBERT BAILEY

SAM OOSTERHOFF

GILLES BISSON

LINDSEY PARK

JOHN FRASER

SARA SINGH
(Brampton Centre)

CHRISTINE HOGARTH

EFFIE J. TRIANTAFILOPOULOS

ROBIN MARTIN

CHRISTOPHER TYRELL
Clerk of the Committee

MONICA COP
Research Officer

CONTENTS

INTRODUCTION	1
COMMITTEE MANDATE	1
STATEMENT AND DISCUSSION	2
Solicitor General's Statement	2
Keeping Ontario Safe and Open Framework	2
Update on Orders	3
Discussion	8
APPENDIX A: TERMS OF REFERENCE*	15

INTRODUCTION

The Select Committee on Emergency Management Oversight is pleased to present its eighth interim report. The report summarizes the testimony and discussion from the Committee hearing that took place on February 9, 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 February 9, 2021.

In her opening remarks, the Solicitor General said that the declared emergency and the province-wide stay-at-home order will end on February 9, 2021. Stay-at-home orders will be applied to individual public health regions and steps are being taken to transition back to the Keeping Ontario Safe and Open Framework that was paused on December 26, 2020. These changes are possible “thanks to the collective efforts of all Ontarians staying at home and following public health guidelines.”

The Solicitor General reported that the government is extending the stay-at-home order and existing public health and workplace safety measures for all public health regions except for three (Hastings Prince Edward Public Health unit; Kingston, Frontenac and Lennox & Addington Public Health unit; and the Renfrew County and District Health Unit) that will move back to the framework. The Solicitor General said that she expects the stay-at-home order to continue to apply to the remaining public health unit regions until at least February 16, 2021, and specifically to Toronto, Peel, and York regions until February 22, 2021. However, she noted that, “even under this timeline, final decisions will be subject to review of the public health indicators.”

The Solicitor General indicated that the COVID-19 variant first detected in the United Kingdom, which spreads faster than the original virus, has arrived in Ontario and is overwhelming health care workers. The Solicitor General said that, despite the announced changes, “strict measures like the stay-at-home order are necessary for a bit longer in most parts of Ontario to help limit the spread, protect our most vulnerable, and ease the burden on hospitals and ICU capacity.”

Keeping Ontario Safe and Open Framework

The Solicitor General said that the province is transitioning back to the Keeping Ontario Safe and Open Framework. She reminded the Committee that the framework provides for five colour-coded zones or stages to which public health unit regions may be assigned under O. Reg. 363/20 (*Stages of Reopening*), based on certain public health indicator thresholds:

- 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

She noted that the three public health units where the stay-at-home order is being lifted as of February 10, 2021 (Hastings Prince Edward Public Health unit; Kingston, Frontenac and Lennox & Addington Public Health unit; and the Renfrew County and District Health Unit), will return to the Green (Prevent) zone.

The framework will also be updated “to allow for a safe approach to retail.” Shopping in person in Grey (Lockdown) zones will be permitted, subject to “significant public health and safety requirements, such as limiting capacity to 25%.” Additionally, public health and safety measures in retail settings will be strengthened for other levels of the framework.

Update on Orders

The Solicitor General said that, since the Committee last met, O. Reg. 82/20 (*Rules for Areas in Stage 1*) was amended to support changes to in-class learning, the film industry and pet grooming.

- *In-Class Learning* – Most school boards across the province were gradually permitted to resume in-person learning following the winter break, based on an assessment of public health indicators. O. Reg. 82/20 has been amended to permit the resumption of in-person teaching or instruction as of February 8, 2021, in most remaining public health unit regions. Toronto, Peel and York public health unit regions will continue with remote learning until they are permitted to resume in-person teaching and instruction on February 16, 2021. During this remote learning period, schools will continue to be permitted to open for existing prescribed reasons, such as supporting students with special needs. Also, emergency child care will remain available to eligible health and front-line workers.
- *Film Industry* – The government learned that a number of businesses that are not normally in the business of film and television production reopened by claiming that by filming their activities they are operating a film or television production. These businesses were not following the same health and safety protocols and testing regimes that have been implemented in the professional film and television industry. This loophole has been closed by amending O. Reg. 82/20 to allow commercial film and television production to be open in accordance with the conditions set out in the order. The amendment clarifies that legitimate film and TV production activities can occur in businesses, facilities and locations that are otherwise closed under the regulation.
- *Pet Grooming* – The government has made an amendment to allow pet grooming businesses to operate in cases where grooming is necessary to prevent an animal from requiring foreseeable and reasonably imminent veterinary care or where it has been ordered under the *Provincial Animal Welfare Services Act, 2019*.

As of January 20, 2021, O. Reg. 75/20 (*Drinking Water Systems and Sewage Works*) was not renewed.

The following orders have been extended until February 19, 2021, without amendments. Orders are listed chronologically and include a brief statement of the Solicitor General's rationale for extension.

- 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. This order is necessary to address surgical backlogs and health human resource shortages, and to ensure that there are sufficient hospital beds during the COVID-19 pandemic.
- 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 the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (ROA). Without disclosure of identifying information, provincial offences officers would be unable to effectively enforce orders under the ROA.
- O. Reg. 116/20 (*Work Deployment Measures for Boards of Health*) – As the province “progresses through the response framework,” there continue to be increased demands on public health units. This order allows boards of health or public health units to take any reasonably necessary measures with respect to work 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 critical 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 this order to ensure wills and powers of attorney can be safely executed, as there are no alternative processes available.
 - 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 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.
- O. Reg. 156/20 (*Deployment of Employees of Service Provider Organizations*) – This 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*) – This order was issued to provide flexibility for municipalities to redeploy staff to ensure that 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. It also allows 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 these orders have been extended “against the backdrop” of Ontario’s immunization program. Phase 1 of immunization is “well under way and ... planning for phase 2 has shifted into high gear.” She said that over 398,000 doses of the Pfizer and Moderna vaccines have been administered across the province to priority populations, including to remote, fly-

in First Nations communities. She stated that the “strong foundation for vaccine deployment” is “ready to be scaled up when we receive greater and more consistent allocations from the federal government.”

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:

- *Public Reporting of Workplace Outbreaks* – The Solicitor General was asked why the government is reporting data on outbreaks in long-term care facilities and schools, but not for outbreaks at large workplaces. The Solicitor General responded that some public health units have decided, “based on their community, to release that information.” She said she “will leave it to the experts who are working on the ground in those individual public health units to make a determination on when it is appropriate and necessary to notify the public.” She added, “I think it’s really important that we don’t get into naming and shaming” and pointed out that when there’s an outbreak in a school, individuals who are impacted (e.g., parents of children exposed to COVID-19) are notified, but specific students or individuals are not named.
- *Sick Days* – A Committee member asked why, after “almost a year into this pandemic,” the Ontario government has not implemented sick days. The Solicitor General indicated that at the beginning of the pandemic, the “*Labour Act*” was amended to ensure “that if you had to stay at home to either look after a sick child or a loved one or to self-isolate, your job was protected.” She added that the federal government has programs through which individuals “can apply for \$500 a week for two weeks, consecutive, at times when they need to stay at home and self-isolate.” In response to the Committee member’s comment that the co-chair of Ontario’s science advisory table has “publicly stated that we need a far more robust program of paid sick days,” the Solicitor General stated that the approach has been not to duplicate efforts of other levels of government. She noted that she thinks “there are always opportunities for improvement.” An immediate improvement, she said, would be “once the application is made, that the funds are flowed quickly to the people who need them. Individuals shouldn’t have to wait for weeks and months to get money that is appropriately available to them.”
- *Reopening of Schools* – A Committee member noted that schools are set to reopen and asked whether additional measures are being prepared in schools to protect students and their families in consideration of new and more virulent variants of COVID-19. The Solicitor General responded that the Minister of Education has worked to ensure rapid testing is available in schools located in hot zones or areas at greater risk, to provide additional

supports for laptops and other types of programs for effective study, to hire 600 additional nurses within schools, and to provide funds to school boards to improve air quality. The Solicitor General indicated that these announcements and investments were made in 2020.

- *Regionalized Stay-at-Home Orders* – The Solicitor General was asked to explain how the regionalized stay-at-home orders will work, including how individuals will know whether such an order applies to them. The Solicitor General responded that daily tracking of numbers reveals that certain communities and public health units have a higher prevalence of percentage positivity and/or a higher risk of having limited hospital or ICU capacity. The government has decided to return to the framework in which public health units assign one of five control zones based on localized data. According to the Solicitor General, this sends a message to business owners and to individuals in the lower control zones that they “can start to resume some normal activities.” She emphasized that this would be a “start” because presently Ontario does not have enough vaccines for every Ontarian who may want one. As a result, she said, individuals need to continue masking and social distancing to limit the spread of COVID-19.
- *Price Gouging Order* – The Solicitor General was asked whether there are statistics that would demonstrate the effectiveness of the price gouging order. The Solicitor General responded that the order worked because there were more than 35,000 reported incidents. Some did not reveal “actual” price gouging because, upon further investigation by the police, increases were found to be appropriate due to “limitations of supply or other mitigating factors.” The Solicitor General said it is her understanding that “almost 900 of the most egregious examples have been referred to police for further follow-up and investigation.”
- *Enforcement of the Reopening Ontario Act, 2020* – The Solicitor General was asked to describe enforcement activities that took place during the declaration of emergency, including to elaborate on how confusion over the rules was resolved. The Solicitor General responded that “every time there is a change or an order put in place,” her office sends a memo to all Ontario chiefs of police with up-to-date information, including with respect to enforcement. A similar memo is sent to Ontario mayors from the Minister of Municipal Affairs and Housing because enforcement is also carried out by bylaw enforcement officers, conservation authority officers, and Ministry of Labour inspectors. The Solicitor General indicated that, at the beginning of the pandemic, the focus was on educating the public about the rules. Now, after “a sufficient time” of the orders being in place, there has been an increase in fines and enforcement. Similar to drinking and driving, “we come down hard” on the “small percentage” of citizens who do not follow the rules “to send a message that that is inappropriate and it’s putting other people at risk.”

- *Wearing Masks in Places of Business* – The Solicitor General was asked whether the measures implemented in places of business that require wearing a mask indoors are still in effect without the declaration of emergency. The Solicitor General confirmed that the measures are still in place. She noted that additional workplace inspection officers have been hired to encourage businesses to operate safely and guidelines have been made “specifically related to individual businesses and increased enforcement,” which may include warnings, tickets and fines of \$750.
- *Rollout of the COVID-19 Vaccine* – A Committee member remarked that Ontario is “weeks behind other provinces” in rolling out the COVID-19 vaccine. The member observed that the City of Ottawa has finished administering the second dose in every long-term care home while Ontario is still not finished the first dose. The Solicitor General was asked to “shed any light on the process that led to” the delay in rolling out the first dose of the COVID-19 vaccine “to all the 70,000 residents in long-term care.” The Solicitor General responded that “because we ensured that we kept the second dose supply in the inventory, it has allowed us to not waste the first dose.” She noted that some jurisdictions went ahead with rolling out the first dose because they were confident in the vaccine supply that “didn’t end up happening.” She agreed with the Committee member’s frustration and said she “would love to have a much more robust inventory and supply coming in” and to have “confidence” in the commitments made by the federal government, Pfizer, and Moderna. She added that the City of Ottawa did “a fabulous job” because its public health unit, along with the City of Toronto with the University Health Network, was “ahead” of other public health units—as pilot projects, they received the vaccines sooner.
- *Vaccine Distribution to Priority Populations* – Committee members asked who is prioritized on vaccine distribution lists. One member requested that the Committee “ask in writing for that list of prioritization” noting that “clarity around that is really important.” The Solicitor General indicated that the vaccine task force has twice-weekly meetings with the heads of the public health units and hospital CEOs who are administering the COVID-19 vaccines to share most current information. Long-term care workers were initially included as a priority population in the first vaccine rollout. When it was determined that the number of vaccines was insufficient to vaccinate all long-term care workers as well as residents, the vaccine task force pivoted to issue a directive that prioritized long-term care residents, high-risk retirement home residents, and First Nations elder homes.
- *Public Investigation into Vaccine Misuse* – A Committee member said there has been an “extremely troubling” report that “there are some long-term care homes where board members, their family members and friends, for example, have been receiving the vaccine” but that “there are still seniors and front-line workers who have not received their second dose.” The Solicitor General was asked whether the government will “ensure that there is a full,

- public investigation to prevent this from happening in the future” and will the government issue provincial directives addressing “what happens with those vaccines that are left over in a freezer because they didn’t make it into the arm of a senior or a front-line worker.” The Solicitor General agreed that “the reports are disturbing.” The Solicitor General said that, “if there are one or two doses left and someone doesn’t show up for their appointment, or there are no further long-term care residents who are willing to be vaccinated at that time,” she “would hope that the public health unit would make a local determination to ensure that the front-line staff who are interacting with those residents use that vaccine” so that it is not “wasted.” The Solicitor General indicated that the allegations of vaccines being removed from “the homes where they are supposed to be used for residents” have been dealt with by particular public health units or hospitals and are being investigated by local police services.
- *Province’s Framework for Intervening in Long-Term Care Homes with Outbreaks* – A Committee member noted the regulation that grants managers of long-term care homes the power “to alleviate pressures that they may be facing to protect the well-being and safety of the residents and staff in ... long-term-care homes.” The member asked, besides these powers, what is the province’s framework to step in when a long-term care home has an outbreak and is facing staffing pressures. The Solicitor General responded that “one of the unintended positive consequences of the pandemic is that our critical care health system has been able to work very closely together.” She pointed to an example from her riding where local paramedics assisted a long-term care home that was in outbreak.
 - *Mass Implementation of Vaccines* – A Committee member asked when and how will people find out about exact dates for when they can expect a vaccination and how is the province preparing to implement mass vaccinations once there is sufficient supply. The Solicitor General responded that she does not give dates to constituents because notifications from the federal government about vaccine supplies have not been accurate. Prioritization starts with age, followed by various considerations, including whether an individual lives in a congregate setting, has a pre-existing chronic condition, and whether home care staff visiting the individual are creating a higher risk of transmission. The Solicitor General named certain priority groups, including essential workers, workers who are front-facing in patient care, and individuals with a transplant or waiting for one.
 - *Criteria for Modifying Restrictions and Transition Back to the Keeping Ontario Safe and Open Framework* – A Committee member noted that only some public health units will be moving out of the stay-at-home order and the province-wide shutdown restrictions this week. The Solicitor General was asked to elaborate on what criteria were used to decide which public health units are allowed to reduce restrictions sooner than others and when constituents will find out their region’s colour zone under the Keeping Ontario

- Safe and Open Framework. The Solicitor General said not to look at where public health units were on December 26. She indicated that public health units determine relevant data points, including the positivity rate, the percentage by population, access to hospital and ICU beds, and the discovery of new variants of COVID-19. This information is fed from the public health unit twice per week to the Ministry of Health and to the medical table led by Dr. Williams, Chief Medical Officer of Health. An agreement is reached in consideration of the data between the local medical officer of health and Dr. Williams within the Ministry of Health.
- *Durham Region's Zone Change* – When asked when Durham region could expect confirmation of its zone under the framework, the Solicitor General stated that “there’s not going to be a lot of notice” because the positivity rate and the transmission rate is being monitored on a daily basis. She encouraged people to monitor the Ontario COVID-19 website where announcements and explanations of each zone are posted. The Solicitor General provided an example of the “main change” that occurs in the grey zone, which is allowing “small businesses to open with 25% occupancy.”
 - *Long-Term Care Homes Lacking First Vaccine Dose* – A Committee member noted that Ontario’s 78,000 long-term care home residents require about 180,000 vaccine doses. The member asked the Solicitor General to explain why, despite the province having “given 386,171 doses,” there are still long-term care homes in her riding that have not received a first dose of the vaccine. The Solicitor General responded that the Committee member’s public health unit should have or is receiving the vaccine. She stated that, in December, based on initial projections of the quantity of vaccines to be received, long-term care workers and health care workers who are patient-facing were being vaccinated. As supplies “dwindled” and it was realized that there would be insufficient quantities, prioritization was adjusted to long-term care residents, high-risk retirement home residents, and elder homes. She said she has been assured that there are sufficient vaccines to vaccinate all long-term care home residents. The Solicitor General noted that vaccinating the over 600,000 Ontario residents who are over the age of 80 is also a priority.
 - *Completion Date for First Dose of Vaccinations for All Long-Term Care Home Residents* – A Committee member noted that the target date for administering the first dose of the vaccine for all 78,000 long-term care home residents was initially January 31, extended to February 5, and then most recently extended to February 10. Asked whether vaccination will be completed by February 10, the Solicitor General said it was her understanding that “sufficient vaccines have been distributed to public health units to ensure that their long-term care homes and high-risk retirement home residents can be done by February 10.” She emphasized that this applies to the first dose “because, of course, there is a time between when you can have the second dose after you’ve had the first.”

-
- *Announcement That Some Businesses May Begin Operating at 25% Capacity* – Referring to a recent announcement that businesses are allowed to operate at no more than 25% capacity, a Committee member asked how a stay-at-home order can be enforced with businesses being open. The Solicitor General indicated that this announcement will facilitate a gradual reopening of businesses located in the grey zone. Not all businesses will be allowed to open as of February 22, such as those in Toronto, York, and Peel regions, which are still under “a longer lockdown.” She said that the two most important documents that MPPs can share with their communities and business leaders are O. Reg. 82/20 and the colour-coded framework. She suggested waiting to find out which colour zone is assigned to a business’s local public health unit under the framework and then for that business to learn what the restrictions are for that zone. In addition, she referred to the Ministry of Labour guidelines that show specifically which rules and regulations regarding employee and customer safety apply to various categories of businesses.
 - *Government Communications* – A Committee member remarked that referring people to websites is not appropriate in her northern riding given that 40,000 of her constituents do not have access to the Internet and there is “bad” cellular service. The Solicitor General was asked when government communication will be made available “to all of us” so that small businesses feel confident that they are “following the protocol.” The Solicitor General suggested the Committee member share O. Reg. 82/20 and the colour-coded framework with her constituents. She noted the “only piece that is missing is where your individual public health unit will fall within the framework,” but this decision will be made “very close to when they move into the framework.”
 - *“Emergency Brake”* – A Committee member noted that in the February 8 announcement, the term “emergency brake” was used “a couple of times” and asked the Solicitor General to explain “how this is different from the previous framework categorization system.” The Solicitor General stated that the “emergency break” is a very quick lockdown intervention that the Ministry of Health can implement if there is an outbreak or a variant, without having to wait the 14 days under the colour-coded framework.
 - *COVID-19 Testing in Airports* – The Solicitor General was asked whether COVID-19 testing in airports has been “an effective tool in stopping travel-related cases of COVID-19.” The Solicitor General noted that the province introduced voluntary testing in airports in December and mandatory testing for international visitors arriving in Ontario through Toronto Pearson International Airport in January. She said airport testing “absolutely has been found to be an effective tool” because the compliance rate for people willing to be tested is “very, very high,” and it has revealed positive cases of COVID-19, including variants of the virus.

- *“Essential” Businesses* – The Solicitor General was asked to explain the reasoning that goes into deciding which businesses are placed on the list of essential businesses and whether there is a way to ensure fairness for the sectors that have successfully followed public health guidance. The Solicitor General stated that the decision is based on what “people in our communities need” and is “very much driven by food and food supply, access to medicines, whether through pharmacies or physicians.” She said the decisions are reviewed by the health table, with input from organizations like the Canadian Federation of Independent Business (CFIB) and from businesses. Decisions may be tweaked and are updated in O. Reg. 82/20. She provided an example that pet grooming was not initially included as an essential business. After discovering this service is needed to ensure an animal does not become more distressed and conducting further investigations, her Ministry made the case for why pet grooming “needed to be included as essential.”
- *The Future of Work* – A Committee member observed that her constituents are very concerned about the future of work when “closures are no longer really necessary.” The Solicitor General was asked how the government will “help people get back on their feet” from a long-term perspective. The Solicitor General said there is a “government-wide approach.” She indicated there are programs specifically related to allowing small businesses to reopen safely, such as the small business support grant that provides \$1,000 to small business applicants for personal protective equipment (PPE). There is also a one-stop portal “where people can apply for the PPE grant, where they can apply for assistance on their hydro and propane [bills], as well as, of course, rent relief.” She added that curbside delivery, “while it is no replacement for a full opening of a business,” was allowed to continue to allow businesses “to operate for some of their loyal customers who still want to get the items that they love and miss.”

**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*