

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT

THIRTEENTH INTERIM REPORT

2nd Session, 42nd Parliament
70 Elizabeth II

ISBN 978-1-4868-5468-4 (Print)
ISBN 978-1-4868-5470-7 [English] (PDF)
ISBN 978-1-4868-5472-1 [French] (PDF)
ISBN 978-1-4868-5469-1 [English] (HTML)
ISBN 978-1-4868-5471-4 [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.

Daryl Kramp, MPP
Chair of the Committee

Queen's Park
October 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

DEEPAK ANAND, NATALIA KUSEDOVA, and JOHN VANTHOF regularly served as substitute members of the Committee.

CHRISTOPHER TYRELL
Clerk of the Committee

HEATHER CONKLIN
Research Officer

CONTENTS

INTRODUCTION	1
COMMITTEE MANDATE	1
REPORT FROM THE SOLICITOR GENERAL	2
Opening Remarks	2
Amended Orders	2
Extended Orders	3
Concluding Remarks	7
DISCUSSION	7
APPENDIX A: TERMS OF REFERENCE*	14

INTRODUCTION

On June 24, 2021, the Select Committee on Emergency Management Oversight met for the thirteenth time to receive an update on emergency orders relating to the COVID-19 pandemic. These orders were originally made under the *Emergency Management and Civil Protection Act*, following the onset of the pandemic, and have been continued under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (“the *Reopening Ontario Act*”). On May 31, 2021, the Legislature extended the government’s powers under the *Reopening Ontario Act* to December 1, 2021. The power to amend and extend existing orders would otherwise have expired on July 24, 2021.

In accordance with the Committee’s mandate, the Solicitor General for Ontario appeared as the Premier’s designate to provide an oral report and respond to Committee questions. This document summarizes the Solicitor General’s presentation and discussion with Committee members. Further interim reports and a final report will follow.

To review the Solicitor General’s full remarks and all questions posed by Committee members, the reader is referred to the official *Hansard* transcript of the meeting.

It should be noted that this report reflects the situation in the province on June 24, 2021. As of June 11, 2021, Ontario’s 34 public health units had moved into Step 1 of the province’s Roadmap to Reopen, as set out in the *Reopening Ontario Act* and regulations.

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.

Under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, the Premier, or a Minister to whom the Premier delegates the responsibility, is required to appear before and report to a standing or select committee designated by the Assembly, at least once every 30 days. This report is to address

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

Hearings consist of a report from the Premier or his designate(s), followed by questions from the Committee. 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.

REPORT FROM THE SOLICITOR GENERAL

Opening Remarks

Ontario's Solicitor General, the Honourable Sylvia Jones, presented to the Committee on June 24, 2021. The Solicitor General began her update by reviewing the government's three-step Roadmap to Reopen. She said that the roadmap had "methodically eased the emergency brake that was implemented in response to the third wave of the pandemic." The Solicitor General explained that the roadmap is guided by several indicators, including the number and percentage of Ontarians who have received their first and second vaccine doses, new case counts, and the demands on hospitals and intensive care units (ICUs).

As part of the Roadmap to Reopen, O. Reg. 363/20 was amended to move all public health unit regions into Step 1 as of June 11, 2021. Step 1 focuses on the resumption of additional outdoor activities, in small groups, where the risk of transmission is known to be lower. This first step also permits more limited indoor settings to be open, with restrictions in place.

The Solicitor General emphasized that, while the roadmap is unfolding, Ontario must continue to move cautiously.

Amended Orders

O. Reg. 82/20 (*Rules for Areas in Shutdown Zone and at Step 1*) under the Act stipulates which businesses can stay open and which must stay closed, and regulates organized public events and other gatherings in the Shutdown Zone and at Step 1. As outlined by the Solicitor General, O. Reg. 82/20 was amended to set out public health and workplace safety measures for Step 1, including

- outdoor social gatherings and organized public events for up to 10 people;
- essential retail and other specific retailers, such as outdoor garden centres, continue to operate at 25% capacity;
- big box and discount stores continue to operate at 25% capacity (such stores no longer have to limit in-store shopping to certain goods and items);
- all other retail can open at 15% capacity (non-essential retail stores located in malls remain closed, unless the store has a street facing entrance);
- indoor weddings, funerals, and religious services can be held at up to 15% of the capacity of the room (these services were previously limited to 10 people);

- capacity at outdoor weddings, funerals, and religious services is limited to the number of individuals that can maintain at least two metres physical distancing;
- outdoor dining is permitted for up to four people per table from different households;
- day camps can reopen as long as they follow COVID-19 safety guidelines;
- outdoor fitness classes, sports training, and personal training is permitted for up to 10 participants, plus an instructor;
- retirement homes are exempt from capacity limits for indoor and outdoor social gatherings, as long as they comply with any guidance issued by the Retirement Homes Regulatory Authority; and
- elementary and secondary schools remain closed for in-person learning, however, school boards can invite graduating elementary and secondary school students to return for an outdoor end-of-year celebration ceremony.

Extended Orders

The Solicitor General reviewed the below orders, extended and in effect until July 19, 2021 (orders that would otherwise have expired on June 19). Orders are listed in numerical order with a brief statement of the rationale for extension.

- *O. Reg. 74/20 (Work Redeployment for Certain Health Services Providers)* — This order authorizes specified health service providers within the meaning of the *Connecting Care Act, 2019*, to take reasonably necessary measures with respect to work deployment and staffing to respond to, prevent, and alleviate the outbreak of COVID-19, including redeploying staff to other health service providers, and to assist long-term care homes and retirement homes.
- *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 needed to continue access to justice while reducing unnecessary contact between individuals to stop the spread of COVID-19.
- *O. Reg. 77/20 (Work Deployment Measures in Long-Term Care Homes)* — This order gives long-term care homes greater flexibility to identify staffing priorities, deal with staff shortages, and address outbreaks. It remains necessary 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 a reduced administrative requirement for long-term care homes so that they can 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)* — This 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 a person is required to identify themselves by providing their name, date of birth, and address to a police officer or other provincial offences officer if the officer has reasonable and probable grounds to believe the individual has committed an offence under section 10(1) of the *Reopening Ontario Act*. Without disclosure of this identifying information, officers would be unable to effectively issue tickets under the Act.
- *O. Reg. 116/20 (Work Deployment Measures for Boards of Health)* — This order allows boards of health within the meaning of the *Health Protection and Promotion Act* to take any reasonably necessary measures with respect to work deployment and staffing to respond to, prevent, and alleviate the COVID-19 pandemic, including redeploying staff within different locations or between facilities of a board of health.
- *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. Also, it ensures residents continue to receive stable services and care.
- *O. Reg. 121/20 (Service Agencies Providing Services and Supports to Adults with Developmental Disabilities and Service Providers Providing Intervenor Services)* — This order gives developmental service agencies and intervenor service providers the authority and flexibility they need to redeploy their staff to support critical services for vulnerable individuals. Measures to alleviate staffing pressures continue to be needed as developmental service agencies respond to challenges posed by COVID-19.
- *O. Reg. 132/20 (Use of Force and Firearms in Policing Services)* — This order allows chiefs of police to authorize certain members of a police service to perform duties involving use of force and to carry a firearm if the member has successfully completed the required training within the previous 24 months of this authorization, instead of the annual training required under the *Police Services Act*.
- *O. Reg. 141/20 (Temporary Health or Residential Facilities)* — This order exempts the construction or conversion of a building from certain requirements of the *Building Code Act, 1992*, the *Planning Act*, and the *City of Toronto Act, 2006*, where the building will be used as a temporary health or residential facility for the purpose of responding to the emergency or for health care or sleeping accommodation by or on behalf of health service providers, governments, and municipalities. There is a continued need for this provision to enable the province to respond to COVID-19 care, surgical backlogs, and residential space needs.

-
- *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 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)* — This order addresses ongoing staffing challenges in the long-term care sector and allows employees who have been fully immunized against COVID-19 to work in another long-term care home, retirement home, or other health service provider location.
 - *O. Reg. 154/20 (Work Deployment Measures for District Social Services Administration Boards)* — This order provides district social services administration boards flexibility to address staffing shortages and ensure personnel are being deployed to critical areas to respond to COVID-19.
 - *O. Reg. 156/20 (Deployment of Employees of Service Provider Organizations)* — This order authorizes a local health integration network (LHIN) to request that a contracted service provider deliver health care and related social services in a setting identified by the LHIN. It also authorizes a LHIN—now known as home and community care support services—to fund the services. 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)* — In response to requests from municipalities, this order was issued to provide flexibility to redeploy staff to ensure front-line services continue to be delivered in critical areas of need. The continuity of service delivery at the municipal level is crucial to the health and safety of Ontario’s communities and efforts to stop the spread of COVID-19.
 - *O. Reg. 158/20 (Limiting Work to a Single Retirement Home)* — This order requires retirement home employees to work in only one retirement home, long-term care home, or other health care setting, and allows fully immunized employees to work in more than one location to safely increase staffing capacity. Limiting work to a single retirement home remains crucial for non-immunized staff to help prevent and contain infection spread.
 - *O. Reg. 163/20 (Work Deployment Measures for Mental Health and Addictions Agencies)* — This order authorizes mental health and addictions agencies to take any reasonably necessary measure with respect to work deployment and staffing to respond to, prevent, and alleviate the spread of COVID-19 to maintain health human resources flexibility.

- *O. Reg. 177/20 (Congregate Care Settings)* — The order has been extended so that staff movement across multiple employers in developmental services, intervenor services, violence against women, and anti-human trafficking sectors will continue to be limited. This infection prevention measure protects staff and vulnerable clients.
- *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 a nurse practitioner. The order continues to give physicians and nurse practitioners more time to focus on patient care during the pandemic.
- *O. Reg. 193/20 (Hospital Credentialing Processes)* — This order authorizes the board of a hospital to take any reasonably necessary measures with respect to any aspect of a hospital's credentialing process to respond to, prevent, and alleviate the outbreak of COVID-19.
- *O. Reg. 195/20 (Treatment of Temporary COVID-19 Related Payments to Employees)* — The order ensures that any temporary COVID-19 related payments received by employees in relation to 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*.
- *O. Reg. 210/20 (Management of Long-Term Care Homes in Outbreak)* — This order enables the director under the *Long-Term Care Homes Act* to order the placement of interim management to effectively protect residents from COVID-19. Maintaining the management order allows the director to swiftly take appropriate action 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 ensures measures are in place to allow the Retirement Homes Regulatory Authority to act quickly in case of outbreak, should an operator be unable or unwilling to manage operations of the home. It remains crucial to ensure retirement homes are following appropriate COVID-19 measures that protect resident and staff safety.
- *O. Reg. 345/20 (Patios)* — This order helps municipalities quickly pass or make changes to temporary-use bylaws that allow restaurants and bars to create or extend patios to facilitate appropriate distancing and maintain public health measures.
- *O. Reg. 363/20 (Steps of Reopening)* — Given the continued risk of COVID-19, the order remains necessary in order to retain the ability to assign public health unit regions to the appropriate steps of reopening, or to the Shutdown Zone, if necessary.

Concluding Remarks

The Solicitor General concluded her formal presentation by emphasizing the role of vaccines as “the key to unlocking more of the province” and lifting remaining restrictions. While vaccine uptake by Ontarians “has been nothing short of inspiring,” she cautioned that there is still “a vein of vaccine hesitancy” in the province. The Solicitor General said that legislators have a responsibility to help overcome vaccine confidence issues, and encouraged Committee members to “get the word out.”

DISCUSSION

The Committee’s session with the Solicitor General concluded with questions from Committee members. This discussion is summarized below.

- *Support for Businesses* — **Question:** Is there any willingness on the part of the province to provide a “third phase” of support programs to assist businesses that have had to remain closed for public health reasons? (For example, in areas like the Porcupine Health Unit, or businesses that are located in a mall without an outside door.) **Solicitor General’s Response:** The business supports originally offered in the fall, and then doubled in April, have been well received in terms of managing unavoidable costs while businesses had to remain shuttered. We are confident now as we move through Step 1—and as of June 30, going into Step 2—that many businesses will be able to expand their operations. Porcupine public health unit did issue their own section 22 order, as they were dealing with a very serious outbreak of the Delta variant. In terms of next steps for business supports, I can assure you that those conversations are ongoing with the Ministry of Finance and other partners. We are opening up businesses; therefore, businesses will have the opportunity to recoup some of their lost revenue. We must also give credit to the many businesses that have adapted to doing more activity online, as well as using curbside pick-up and delivery options. It is also important to understand that there have been “other pathways” to support businesses, both federally and municipally.
- *Tracking Vaccinations* — **Question:** Does Ontario track the number of people who want to be vaccinated or the appointments that are coming forward, and is there a percentage at which we would consider Ontario to be fully vaccinated? **Solicitor General’s Response:** There is not a consistent, scientific “percentage standpoint” for herd immunity. Ontario is now leading all Canadian provinces in vaccinations per 100,000 people, and we have not yet seen a plateau in interest. In terms of government tracking, everyone who receives their vaccine in Ontario is entered into the COVax system. That is where we get the percentages, and information is also broken down by public health unit. Public health units and hospitals have been doing a lot of the “heavy lifting” on the mass vaccination clinics. We can very easily see if we need to provide more resources. This is why we have offered additional support to the Porcupine public health unit and, most recently, to the Waterloo public health unit.

- *Vaccine Rollout* — **Question:** In consultation with the Minister of Health, will the Solicitor General commit to providing a technical briefing from the vaccine task force for Members of the opposition parties? As raised in a previous Committee meeting, this would enable opposition Members to ask questions about the vaccine rollout. Things are moving quickly and all opposition Members need to have a better understanding of what is happening. **Solicitor General's Response:** These are decisions that are made at a Cabinet level. I am happy to take that question back to the Minister of Health and have a discussion.
- *Cottages in Northern Ontario* — **Question:** Could the Solicitor General explain whether there are still restrictions on visiting secondary homes and cottages in northern Ontario? **Solicitor General's Response:** Visiting a secondary residence, a cottage, or a camp "is perfectly fine." People visiting other areas should follow public health recommendations and take a cautionary approach (for example, picking up groceries before visiting that cottage or camp).
- *Reopening Ontario Act (Extension)* — **Question:** When this Committee last met, there were a number of emergency orders still in place, and then we extended the *Reopening Ontario Act* authority. Can the Solicitor General clarify the differences between the *Reopening Ontario Act* and the former legislation (the *Emergency Management and Civil Protection Act*)? **Solicitor General's Response:** We can only amend or remove the emergency orders that are already in place. We cannot add additional regulatory burdens. Each ministry responsible for a regulation must justify why that regulation is still needed, "then we either extend it or let it expire."
- *Potential for a COVID-19 Fourth Wave* — **Question:** Could there be a fourth wave of COVID-19? What are some of the benchmarks? **Solicitor General's Response:** This is an important consideration. We do not want to be in a situation, like in the United Kingdom, where they started to open up and then found that they had to "ramp back a bit" due to the Delta variant. We are closely monitoring positivity rates. When we see outbreaks, such as in Waterloo and Porcupine, we quickly offer additional assistance. Operation Remote Immunity is currently assisting the local public health unit in Porcupine. The province has offered additional health human resources to Waterloo Region, as well as additional vaccine doses.
- *Provincial Correctional Facilities (Ottawa)* — **Question:** Ottawa's medical officer of health recently wrote the Solicitor General, making three recommendations to help prevent the spread of COVID-19 in jails: implementing rapid testing, isolating inmates, and establishing a practice to monitor vaccination rates inside facilities. Isolation is challenging due to lack of space, but is the Solicitor General prepared to implement the other two recommendations? **Solicitor General's Response:** Rapid testing is voluntary, so when an individual is not willing to have a test, we do keep them away from the general population for a seven-day quarantine. There have been 10,000 tests in eastern region corrections so far. In terms of monitoring vaccination rates, this involves a self-disclosure. We are not

compelling anyone—regardless of where they live or are housed—to get a COVID-19 vaccine. Having said that, the Ministry of the Solicitor General has worked with the Ministry of Health to provide “11 opportunities where, when individuals come into our institutions, they are offered” a COVID-19 vaccine.

- *Physical Education and Sport Camps* — **Question:** Gyms and other organizations are trying to offer camps this summer and are seeking clarification from the Ministry of Heritage, Sport, Tourism and Culture Industries regarding applicable guidelines. Will that Ministry provide direction to these organizations? **Solicitor General’s Response:** Following today’s announcement about moving into Step 2, it is my understanding that the Minister will meet with those stakeholders this afternoon to walk through the various return-to-play opportunities, including day camps.
- *COVID-19 Science Advisory Table (Advice)* — **Question:** Does the COVID-19 Science Advisory Table have any advice about reopening, including cautions or red flags? Can the Solicitor General table any such advice with the Committee? **Solicitor General’s Response:** My understanding is that the Ontario science table has a website where all of their reports are posted and available to the public. Cabinet also takes advice from many different organizations. Earlier today, the Ontario Hospital Association said that they are in agreement with moving to Step 2 on June 30. There are a lot of different inputs, including always tracking hospitalizations and ICU bed capacity.
- *Metrics for Reopening* — **Question:** Aside from vaccination rates and hospital and ICU occupancy levels, is Cabinet looking at any other metrics? Has the government received advice from groups that are cautious about reopening on June 30? **Solicitor General’s Response:** The announcement that Ontario will move to Step 2 on June 30 was made this morning, so it is early days. The Ontario Hospital Association is in alignment, as are both the outgoing and incoming Chief Medical Officers of Health. We also track public health unit-specific data to determine the cause of any “spikes.”
- *Advice about Schools* — **Question:** What advice is Cabinet receiving about the needs of our schools, and about what needs to be done over the summer to support a return to in-class learning? **Solicitor General’s Response:** That is a question best directed to the Minister of Education, but I can tell you that there is consensus on the public health side and with the Ministry of Education about having in-school learning come September—or in some cases, in northern Ontario—even in August. That is why we have offered vaccine clinics specifically for adolescents. There does not seem to be anyone suggesting that we should not have in-class learning come September.
- *The Plan for Schools in September* — **Question:** Schools are critical for children, families, and the economy. Families and businesses are looking for clarity about the plan for September. A couple of months ago, the Minister of Education said that “the plan is out there.” Then about a week ago the

Minister said, “Well, you’ll have the plan in the middle of July.” Can the Solicitor General shed any light on this? **Solicitor General’s Response:** The Minister of Education and the district school boards are actively engaged in planning. As we get additional students and staff vaccinated—and we are focusing on that at the vaccine task force and public health levels—we are also working to ensure that schools and school staff have whatever they need to ensure that schools can reopen.

- *Paid Sick Days (Uptake)* — **Question:** There seems to be “a very low uptake” of the paid sick days that the government has put forward; some people say it is “designed not to work.” Where could we get data about the number of claims submitted and, of those, how many were accepted? **Solicitor General’s Response:** I do not have the raw numbers with me. Based on initial reporting, it seems that the paid sick leaves are being used appropriately to allow those who went to get vaccinated to take a day or two to recover. In terms of the uptake, it is probably still “early days for that,” since the program is relatively new. The Ministry of Labour, Training and Skills Development will work with businesses and employees to make sure they are aware of the program.
- *Paid Sick Days (Ministry Responsible)* — **Question:** Which ministry is responsible for deciding whether an employer’s claim is accepted? Where does the money come from? **Solicitor General’s Response:** I am not going to speculate on that. I do not want to say something, and then find out that I misspoke, so I will make sure that the Committee gets that information.
- *Workplace Outbreaks* — **Question:** Does the Solicitor General know how many workplace outbreaks there are in Ontario right now? **Solicitor General’s Response:** No. Workplace outbreaks are tracked by public health units. Some public health units make that information public, while others do not. Public health units may choose not to make information about outbreaks public to avoid stigmatizing the employee or the employer.
- *Workplace Outbreaks* — **Question:** Is there no value, from a government perspective, in knowing about workplace outbreaks across all public health units? Is the government not interested in looking at this data “as a group?” **Solicitor General’s Response:** If there is an outbreak, public health units can request additional support from the vaccine task force (for example, the opportunity to host an on-site vaccine clinic). It is at the discretion of the public health units when and where they need assistance.
- *Classification of Hairdressers* — **Question:** Hairdressers are tradespeople, belonging to the College of Trades. Hairdressing is a Red Seal trade, and hairdressers are trained in infection prevention and control. Why were hairdressers “lumped in” with nail salons, beauty parlors, and other businesses that are not trades? **Solicitor General’s Response:** There was a determination that health providers would be dealt with in a different way than businesses providing personal care services, because health providers have regulated oversight and oversight by their professional associations.

Starting on June 30, barbers and hair salons will be able to open with the 25% capacity limit.

- *International Borders* — **Question:** We heard recently that the federal government is thinking of loosening some border restrictions. We are all looking forward to the possibility of travel, but we are also hearing about new variants. Can the Solicitor General explain what safeguards our government is looking at before we would agree to open the borders? **Solicitor General's Response:** As the federal government loosens restrictions related to international travel, we are urging that they keep controls in place to limit the entry of variants. The federal government has announced that, as of July 5, there will be different rules for fully vaccinated travelers. The Minister of Health and I have written to our federal counterparts, asking that they ensure that, for those who are not fully vaccinated, “the monitoring and testing continues in place and is actually done.”
- *Proof of Vaccination (International)* — **Question:** A recent news story about a concert venue in the United States not accepting people vaccinated with the AstraZeneca vaccine has raised questions about consistency regarding proof of vaccination. What is the government doing to make sure that the vaccines that are recognized by the World Health Organization (WHO) are recognized when Ontarians travel internationally? **Solicitor General's Response:** In the recent case of the Bruce Springsteen concert, the concert promoter backed down and has said that individuals with a WHO-approved vaccine are welcome to purchase a ticket. Having said that, the Minister of Health and I have written to the federal government to reinforce that all WHO-approved vaccines need to be “on the approved list” to ensure that Ontarians and Canadians who have received those vaccines will be welcomed into visiting countries. Moving forward, I think we will see that those “minor glitches”—like a concert promoter arbitrarily accepting only vaccines used in the US—will not happen, because of the public backlash.
- *Step 1 (COVID-19 Case Counts)* — **Question:** With Step 1 of the Roadmap to Reopen taking effect earlier this month and more social interactions taking place since the Committee last met, has there been an increase in cases of COVID-19? Can the Solicitor General comment on the public health indicators observed so far? **Solicitor General's Response:** Historically, we often saw a spike in cases 10 to 14 days after a holiday or a three-day weekend. Since moving into Step 1, we have not seen that increase. This tells me that the vaccination rate is assisting us, as well as people’s willingness to continue to follow public health guidance. The warmer weather has also been a factor, because outdoor activities are safer than activities that happen indoors.
- *Step 1 (Public Health Metrics)* — **Question:** Can the Solicitor General comment on some of the other public health metrics that the government has been looking at since the province entered Step 1—things like hospitalizations, deaths, and hospital capacity? **Solicitor General's Response:** When talking to constituents, I often give examples of

unvaccinated individuals compared to vaccinated individuals who then contract COVID-19: even with one dose, individuals often do not end up hospitalized, as opposed to fully unvaccinated individuals. Less than six weeks ago, we were accepting additional health human resources from Newfoundland and Labrador. We are now able to assist our partner province, Manitoba. So, it can change very quickly. We are not just looking at positivity rates, because we want to see whether contracting COVID-19 when you have at least one dose leads to other health risks or hospitalizations.

- *Long-Term Care Homes* — **Question:** There are different rules for fully vaccinated residents and for residents who are not fully vaccinated. Some people in our long-term care homes have complex medical needs that prevent them from being vaccinated, but they want to see their families just as much as the residents who are able to get the shot. Does the Solicitor General anticipate that Ontario will continue to treat these residents differently? **Solicitor General's Response:** It is important to understand that above 95% of those over 80 have been vaccinated. The ability to bring vaccines directly to long-term care and retirement homes “meant that our percentage of uptake was incredible—more than jurisdictions have seen around the world.” When we say that as individuals are fully vaccinated, there are things they are able to do safely, we also have to remember that mortality was “by far, focused on our elderly and our most at risk.” We will continue to heed the advice of the Chief Medical Officer of Health, the health table, and the clinicians to understand what activities people can engage in safely. At this point, our primary goal is to make sure that as we loosen restrictions, we can do so safely for the patients, staff, visitors, and families.
- *Work Redeployment for Health Providers* — **Question:** Would the government consider eliminating O. Reg. 74/20 that allows employers to redeploy health care providers? Most of these providers are nurses—if you ask them for help, they would help. The government does not need “to have this hammer over their head.” **Solicitor General's Response:** The vast majority of hospitals have been able to work directly with their staff. An example of a redeployment that was necessary during the pandemic was hospitals opening COVID-19 testing centres and/or immunization clinics, which have not historically been part of hospital core services. Many hospitals were able to set up sites and continue to provide those services. I assure the Committee that there are ongoing discussions with each ministry that has a regulation in place regarding whether it is still needed. Our hospital partners have “stepped up” to provide these services because, during a pandemic, that is what people do.
- *The Delta Variant* — **Question:** Can the Solicitor General explain what the Delta variant means for Ontario? Is it going to continue to spread? Some believe this variant could send us back into more restrictions. What is the government seeing in terms of the spread of the Delta variant, and the severity of those cases? **Solicitor General's Response:** It is early days, but

so far the clinicians and the science table report that the Delta variant is more transmissible, so it more easily spreads within communities. However, what we have so far seen—and we will continue to monitor closely—is, regardless of the type of vaccine administered (AstraZeneca, Moderna, or Pfizer), individuals have protection against the Delta variant. To date, we have not had a variant in Ontario that our current Health Canada-approved vaccines do not protect us from.

- *Accelerated Reopening* — **Question:** The second and third steps of the reopening plan have targets tied to a percentage of the population having received a first and second dose of a vaccine. These targets “are either achieved or very close at this point.” Some people are therefore confused about why Ontario has not already moved to Step 3. Can the Solicitor General explain why that is the case? **Solicitor General’s Response:** This is a time for caution. When jurisdictions move forward too quickly, they have seen a resurgence. I spoke previously about the UK, where they had a measured and structured approach to how they were going to reopen; the Delta variant “really threw them for a loop and they had to roll back some of those reopening plans.” As we move into Step 2, we must ensure that we have sufficient time to monitor the numbers to make sure that we are not seeing increases.
- *Reopening Plans (Other Jurisdictions)* — **Question:** People are seeing what is happening in other provinces. Notably, Alberta is “lifting all restrictions very soon,” with Saskatchewan “coming a few weeks afterward.” British Columbia “plans to remove most restrictions by September.” Can the Solicitor General explain why Ontario is doing things differently? **Solicitor General’s Response:** The short answer is that we are “tracking very closely” through each step. Setting dates would be easier, but that approach does not account for outbreaks and variants that may be present in the province, or health capacity limitations. This information is “all used together” to inform the science table modelling. As well, the Chief Medical Officer of Health has daily conversations with Ontario’s 34 local health units. The Minister of Health and I have twice-weekly meetings with those public health units and hospitals that are providing vaccines. All of that feedback drives the decisions we are making. While I appreciate that people look at other jurisdictions, those jurisdictions are not the same as Ontario. We have to monitor and look specifically at how decisions impact Ontario residents.
- *Roadmap to Reopen (Details of Step 3)* — **Question:** Details of Step 3 are currently vague. Can the Solicitor General advise the Committee when we will be able to see more information about Step 3? Will there be a Step 4? **Solicitor General’s Response:** Each ministry responsible for the sectors that are included in Step 3 is working directly now with their stakeholders to make sure that the parameters and public health advice are made clearly and shared publicly.

**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*