

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT

ELEVENTH INTERIM REPORT

1st Session, 42nd Parliament
70 Elizabeth II

ISBN 978-1-4868-5424-0 (Print)
ISBN 978-1-4868-5426-4 [English] (PDF)
ISBN 978-1-4868-5428-8 [French] (PDF)
ISBN 978-1-4868-5425-7 [English] (HTML)
ISBN 978-1-4868-5427-1 [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
July 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

WILL BOUMA regularly served as a substitute member of the Committee.

CHRISTOPHER TYRELL
Clerk of the Committee

ANDREW MCNAUGHT
Research Officer

CONTENTS

INTRODUCTION	1
COMMITTEE MANDATE	1
REPORT FROM THE SOLICITOR GENERAL	2
Opening Remarks	2
Amended Orders	3
O. Reg. 82/20 (Rules for Areas in Stage 1)	3
Other Reopening Orders	5
Extended Orders	6
DISCUSSION	9
APPENDIX A: TERMS OF REFERENCE*	13

INTRODUCTION

On May 3, 2021, the Select Committee on Emergency Management Oversight met to receive a report on the continuation of provincial emergency orders relating to the COVID-19 pandemic.

As provided for in the Committee's terms of reference, the Solicitor General for Ontario appeared as the Premier's designate to deliver an oral report and respond to Committee questions.

This report summarizes the testimony from that meeting. To review the Solicitor General's full remarks and all questions posed by Committee members, the reader is referred to the official *Hansard* transcript.

Further interim reports and a final report will follow.

This is the Committee's eleventh interim report. It reflects the situation in the province as of May 3, 2021. At that time, the third province-wide emergency and associated Stay-at-Home Order were still in effect.¹ In addition, the province's 34 public health units remained subject to the public health measures applicable in the Shutdown Zone established under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* and regulations.²

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

¹ O. Reg. 264/21 (Declaration of Emergency), in force April 7, 2021, and O. Reg. 265/21 (Stay-at-Home Order), in force April 8, 2021, made under the *Emergency Management and Civil Protection Act*.

² O. Reg. 82/20 (Rules for Areas in Stage 1) and O. Reg. 363/20 (Stages of Reopening), made under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*.

- (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 May 3, 2021.

The Solicitor General began her update by noting that although there had been "a dramatic surge" in COVID-19 cases since the Committee last met on April 7, the province had made significant progress in implementing a vaccine strategy on a large scale. This progress, she said, can be measured in terms of both administration and distribution.

According to the Solicitor General's figures, the number of vaccines administered in the province had more than doubled, from 2.5 million to more than 5.1 million, since early April. In addition, an influx of supplies had allowed the entry age for receiving a vaccination to continue to fall. As a result, more than 40% of Ontario adults had received at least one dose of COVID-19 vaccine as of May 2, 2021.

The Solicitor General also reported that improved distribution has made it "easier for people to find a place to get their vaccine." At the time of the Committee's last meeting, she noted, more than 700 pharmacies had recently joined the list of locations participating in the vaccine rollout, bringing the total to over 1,400 pharmacies. As of April 20, pharmacies and primary care providers in "hot spots" such as Toronto, Peel, and York Region had begun booking appointments to receive vaccinations for individuals 40 years of age and older. Some of these pharmacies were operating clinics round-the-clock, to serve those who cannot attend during regular business hours. In addition, pharmacies are now able to offer walk-in service to accommodate those who would rather deal directly with a pharmacist.

The Solicitor General also addressed the most recent round of public health measures. The backdrop to these measures, she said, was the evolving nature of the pandemic:

The COVID-19 virus that started this pandemic is no longer the same COVID-19 we are seeing in our communities now. The new variants are more contagious and, unfortunately, more

deadly. We have to take other stronger measures to protect ourselves and our families.

In light of these developments, the provincial government, in consultation with the province's Chief Medical Officer of Health and other health experts, made the decision to declare a third provincial emergency under the *Emergency Management and Civil Protection Act* (EMCPA).

Concurrently, the government issued a Stay-at-Home Order, also under the EMCPA, which requires everyone to remain at home, except for specified purposes, such as going to the grocery store or pharmacy, obtaining health care services, getting vaccinated, for outdoor exercise, or for essential work.

In the Solicitor General's words, the purpose of the Stay-at-Home Order "is to slow the rapid transmission of COVID-19 variants in communities, protect hospital capacity and save lives."

Amended Orders

The Solicitor General continued her update with a review of recent amendments to emergency orders under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*. These amendments had been made since the Committee last met on April 7, 2021.

O. Reg. 82/20 (Rules for Areas in Stage 1)

As noted in the introduction to this report, all public health units in the province were assigned to the Shutdown Zone established under O. Reg. 82/20 (Rules for Areas in Stage 1) at the time of the Committee's meeting on May 3, 2021.

Amendments to the regulation since April 7 implemented additional public health measures applicable to areas in the Shutdown Zone. In particular, these amendments

- limit the majority of retailers to operate only for curbside pickup by advance appointment and with reduced hours for both operation and delivery of goods, among other restrictions;
- restrict access to shopping malls to specified purposes while allowing access to curbside pickup by advance appointment;
- restrict in-person retail sales at discount and big-box stores to grocery items, pet care supplies, household cleaning supplies, pharmaceutical items, health care items, school supplies, household safety supplies, and personal care items, with an exception for stores that sell groceries in a fly-in community;
- permit the following stores to operate for in-person retail by appointment only, subject to a 25% capacity limit and restricted operating hours:
 - safety supply stores;

- businesses that primarily sell, rent, or repair assistive devices, aids or supplies; mobility devices, aids or supplies; or medical devices, aids or supplies;
- rental and leasing services, including automobile, commercial and light industrial machinery, and equipment rental;
- optical stores, limited to prescription eyewear;
- businesses that sell motor vehicles, including recreational vehicles, travel trailers and other motorized vehicles, boats and other watercraft;
- vehicle and equipment repair and essential maintenance, and vehicle and equipment repair rental services; and
- retail stores operated by a telecommunications provider or service, which may only permit members of the public to enter the premises to purchase a cellphone or for repairs or technical support.

Other retail businesses allowed to open in the Shutdown Zone, but which are not subject to the requirement to make an appointment before visiting the store, include outdoor garden centres and plant nurseries, and indoor greenhouses. These are allowed to open to the public, subject to a 25% capacity limit and restricted operating hours.

Liquor stores may be open for in-person retail and are also subject to a 25% capacity limit and restricted operating hours.

Other amendments to O. Reg. 82/20 added the following public health and workplace safety measures to the Shutdown Zone's regulatory requirements:

- prohibiting all outdoor social gatherings and organized public events, except with members of the same household, or with members of the same household and one other person from outside that household who lives alone, or a caregiver for any member of either of those households;
- limiting the types of permitted activities or projects in the construction sector;
- reducing capacity limits to 25% in all retail settings where in-store retail shopping is permitted, including supermarkets, grocery stores, convenience stores, indoor farmers' markets, and other stores that primarily sell food and pharmacies;
- closing outdoor recreation amenities, such as golf courses, basketball courts, and soccer fields with limited exceptions;
- limiting weddings, funerals, and religious services, rites or ceremonies to 10 people indoors or outdoors, and prohibiting social gatherings associated with these services, such as receptions, with exceptions based on households; drive-in services are permitted, subject to certain conditions;
- prohibiting elementary and secondary schools, as well as private schools, from providing in-person teaching or instruction, subject to limited exceptions,

so that learning can only be done remotely following the April break. Childcare for non-school-aged children remains open, but before and after school programs have been closed. Students with special education needs who require additional support that cannot be accommodated through remote learning are allowed to continue with in-person learning and support;

- allowing construction activities or projects and related services that support the operations of or provide new capacity for veterinary facilities within the meaning of the *Veterinarians Act* to continue;
- clarifying that parks or recreational areas subject to the Shutdown Zone rules may be used for activities that involve moving through the park or recreational area, including jogging and biking, and not just walking;
- including caregivers in the list of exceptions to the limits on social gatherings and organized public events; and
- requiring the person responsible for a business or organization to ensure that people working in the business or organization who temporarily remove their mask or face coverings to consume food or drink be separated from every other person by a distance of at least two metres or by Plexiglas or some other impermeable barrier.

Other Reopening Orders

In addition to O. Reg. 82/20 (Rules for Areas in Stage 1), the following reopening Ontario orders were amended since the Committee's meeting of April 7, 2021:

- *O. Reg. 263/20 (Rules for Areas in Stage 2); O. Reg. 364/20 (Rules for Areas in Stage 3)* — amended to include the same requirement for people working in businesses or organizations when temporarily removing their mask or face covering to consume food or drink be separated from every other person by two metres or an impermeable barrier.
- *O. Reg. 146/20 (Limiting Work to a Single Long-Term Care Home)* — amended to address ongoing staffing challenges in the long-term care sector. As amended, this order 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.
- *O. Reg. 158/20 (Limiting Work to a Single Retirement Home)* — amended to address ongoing staffing challenges in the retirement home sector. As amended, this order allows employees who have been fully immunized against COVID-19 to work in another retirement home, long-term care home, or other health service provider.

The Solicitor General also noted that the government decided not to extend O. Reg. 241/20 (Special Rules Re Temporary Pandemic Pay) past its April 20, 2021, revocation date. The regulation was no longer required because the temporary pandemic pay lump sum and hourly payments to employees for work performed during the eligible time had ended. The order was revoked on April 20, 2021.

Extended Orders

The Solicitor General's update continued with a review of orders under the *Reopening Ontario Act* that had not been amended since the Committee met on April 7 and that were set to expire on April 20, 2021, unless extended. These orders have been extended to May 20, 2021, and are listed below in numerical order and with a brief statement of the rationale for extension.

- *O. Reg. 74/20 (Work Deployment 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 another health service provider 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 in order to slow 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 critical 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 that 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 subsection 10(1) of the *Reopening Ontario Act*. Without disclosure of this identifying information, officers would be unable to effectively enforce orders 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 in or between facilities of the 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 and to ensure stability and quality in resident care.
 - *O. Reg. 121/20 (Service Agencies Providing Services and Support 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.
 - *O. Reg. 129/20 (Witnessing of Wills and Powers of Attorney)* — This order allows the witnessing of wills and powers of attorney to be facilitated virtually, through technology. Many are still relying on the 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 certain members of the 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 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 needed to redeploy staff and support critical services for survivors of violence against women and victims of human trafficking.
 - *O. Reg. 154/20 (Work Deployment Measures for District Social Services Administrative Boards)* — This order provides district social services administrative boards flexibility to address staffing shortages and ensure personnel are being deployed to critical areas of need 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 organization provide health care and related social services in a setting identified by the LHIN and

authorizes the LHIN 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 service continues 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. 163/20 (Work Deployment Measures for Mental Health and Addictions Agencies)* — This order enables mental health and addictions agencies to maintain health human resource flexibility during the current pandemic. It allows agencies to take any reasonably necessary measure with respect to work deployment and staffing to respond to, prevent, and alleviate the outbreak of COVID-19.
- *O. Reg. 177/20 (Congregate Care Settings)* — The order has been extended so that staff movement across multiple employers in developmental services, intervenor services, and violence against women and anti-human trafficking sectors will continue to be limited. This infection prevention measure protects staff and 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. It 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 allows hospitals to maintain flexible health human resources during the pandemic. It allows hospitals, despite any applicable professional credentialing processes, to quickly appoint, reappoint, and grant privileges to physicians and other professional staff in order to prevent and alleviate COVID-19 outbreaks as they occur.
- *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*. This includes the temporary wage enhancements for personal support workers and direct support workers currently in place until June 30.
- *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 where an operator is unwilling or unable to manage operations of a home in the case of an outbreak.

- *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 (when patios are able to open again) to facilitate appropriate distancing and maintain public health measures.

The Solicitor General concluded her prepared remarks on a note of cautious optimism:

This pandemic is a challenge that we will overcome, but as the proverbial light at the end of this long and weary tunnel begins to grow brighter, we cannot let a sense of relief blind us to the brutal realities of COVID-19 and all its lingering variants. . . . We cannot afford to let our guard down. Even as more and more Ontarians receive the vaccines, it is critically important that everyone continue to wear a mask, maintain physical distancing and follow public health guidance.

DISCUSSION

In keeping with Committee practice, the Solicitor General responded to questions from Committee members.

- *Race-based data* — **Question:** The enforcement order allows police officers to collect personal information from individuals suspected of committing an offence under the *Reopening Ontario Act*. Will the province be collecting race-based data, so that we know who is being stopped by the police? **Solicitor General's Response:** It is important to note that individuals will be asked for their name, address, and date of birth only if a police officer or other enforcement officer believes a person is in contravention of an emergency order. That has been happening since the enforcement order was introduced and will continue to be the practice so that officers can write the ticket.
- *Paid sick days* — **Question:** Experts—including the government's own science table—say that an important public health measure during the pandemic is a paid sick leave plan that gives workers up to 10 paid sick days. In light of this advice, why did the government introduce a three-day plan? **Solicitor General's Response:** In fact, the province's plan serves to augment the federal government's 20-day program, so that workers will now be entitled to 23 sick days. And if the province's offer to supplement the federal program is accepted, workers would be entitled to double the amount they currently receive (an increase from \$500 per week to \$1,000 per week).
- *Additional worker protection* — **Question:** In addition to paid sick days, what other benefits has the province put in place to help workers who lose income because they take time off due to illness or to get a vaccine? **Solicitor General's Response:** At the onset of the pandemic, Ontario was the first jurisdiction to introduce unlimited job-protected leave so that nobody had to

- choose between their job and their health. This now includes individuals who take time off to get vaccinated and family members who need to look after their children. As mentioned, Ontario has introduced a three-day sick leave plan and has offered to double the amount of support for individuals who are tapping into the federal 20-day program. In addition, more Ministry of Labour inspectors are going into workplaces to make sure that employers understand the rules for keeping staff and customers safe, and to levy fines when they see infractions. These inspections are being done regionally, through blitzes.
- *Vaccine rollout ("hot spots")* — **Question:** In April the province's science table recommended that 50% of vaccines be reallocated to 74 "hot spot" postal codes. According to the science table, this would be an effective way to reduce COVID-19 case counts and hospitalizations. What was the government's rationale for choosing instead to focus on 114 postal codes? **Solicitor General's Response:** The decision to revise the province's vaccine strategy followed the federal government's announcement in April that Ontario would be receiving double the amount of Pfizer vaccine in May. In light of that announcement, the province decided to revise the rollout strategy so that vaccines were distributed on a priority basis to 114 hotspots across 13 public health units. That decision was based on advice from medical experts, who said that targeting hot-spot communities would ultimately protect a larger group of people. Specific neighbourhoods were chosen on the basis of historical data, including positivity rates, hospitalization rates, socio-economic data, and other data from public health units showing that a neighbourhood is at higher risk. In the Region of Peel, reallocation has meant a 92% increase in the amount of vaccine available to anyone 18 years of age or older.
 - *Vaccine rollout (Northern Ontario)* — **Question:** At its last meeting, the Committee heard that some pharmacies in the Sudbury area had not received vaccines. Are pharmacies in Sudbury and other northern communities now receiving vaccines? **Solicitor General's Response:** In Sudbury three pharmacies came online in late March, 2021, and two more in April. These pharmacies have used over 96% of their vaccine doses. In addition, primary care practitioners have distributed 79% of the doses they were given. Overall, the Sudbury and District Health Unit is ahead of the provincial average, having vaccinated more than 42% of adults over the age of 18.
 - *Vaccine rollout (second doses)* — **Question:** Many people have expressed frustration with the vaccine booking process. If supplies allow, how will the province ensure that second doses can be booked and administered earlier than originally scheduled? Has the province considered retaining CANImmunize to assist in this process? **Solicitor General's Response:** Vaccine supply has been the biggest impediment to getting more people vaccinated. The delays last February in the delivery of Pfizer and Moderna were a prime example. We therefore view the news that Pfizer vaccines will be doubling in May as an opportunity to offer more vaccines to more people. With respect to appointments, we believe that having different pathways and opportunities for people to book appointments has made it easier to get vaccinated. If we had limited the vaccination rollout to mass vaccination centres we would not, for example, have been able to go into long-term care homes and directly vaccinate residents, staff, and essential caregivers. Another successful pathway has been pharmacies. In Ottawa, for example,

-
- pharmacies used up 87% of vaccines allotted to them in the space of a month. Hospitals, primary care practitioners, and on-site workplace clinics have also made vaccination more accessible.
- *Peel Region* — **Question:** Peel has been one of the province’s ongoing hotspots. How is the province helping this region cope with the pandemic?
Solicitor General’s Response: Peel, along with the other hotspot neighbourhoods located across 13 public health units, will benefit from the additional vaccine scheduled to arrive in May. Vaccine will be allotted on the basis of the number of hotspot neighbourhoods in a health unit. Among other things, this will allow regions such as Peel to operate pop-up clinics, which are able to bring vaccines directly to where people live or work.
 - *Patient transfers* — **Question:** Hospitals now have authority to transfer patients to an alternate hospital site, a long-term care home, or a retirement home without patient consent. What “guardrails” are in place to ensure that transfers are made in a way that respects patients’ needs and rights?
Solicitor General’s Response: It should be stressed that obtaining patient consent is always the preferred option. As of last week, 343 people who had been waiting to leave hospital had successfully been moved to another facility, whether that was a retirement home or a long-term-care home, and all of these transfers were done with patient consent. It should also be stressed that all decisions to transfer are made with the patient’s needs in mind. For example, as the Minister of Health noted recently, individuals whose first language is not French or English will be matched with a home that can serve those needs. As well, residents or family members who have concerns that a transfer has not been successful can call the Ministry of Health to discuss ways of improving the patient’s situation.
 - *Enforcement* — **Question:** Why did the government announce new police powers on April 16 and then rescind those powers the next day? Did the government consult police services before announcing these powers?
Solicitor General’s Response: If there is one thing that the COVID-19 pandemic has shown it is the need to react quickly, particularly when dealing with variants of concern. Following the initial announcement, O. Reg. 8/21 was refocused to allow law enforcement personnel to approach people who are not following the Stay-at-Home Order, engage those people, and, if necessary, write a ticket. These powers are necessary to show that we are serious about protecting people’s health.
 - *Outdoor activities* — **Question:** According to the experts, outdoor activities during the pandemic are relatively safe, yet emergency orders place restrictions on activities such as golf, tennis, and basketball. What is the rationale for these restrictions?
Solicitor General’s Response: Although the activities themselves may be relatively safe, the experts also say that limiting the mobility associated with them (i.e., moving between communities in order to participate) is one of the keys to limiting transmission.
 - *Borders* — **Question:** We learned last week that variants of concern are now the dominant strain of the COVID-19 virus in Ontario. We also know that the Indian variant has been detected here. How important is it to protect Ontario from variants of concern at the borders? Has the province taken any steps to encourage the federal government to do more?
Solicitor General’s

- Response:** Lack of border controls is the only way variants of concern come into Ontario. As of today, we know of no variants of concern that originated in this province. The outbreak of the UK variant at Roberta Place in Barrie last January speaks to the importance of borders. Accordingly, we support the federal government's decision to restrict travel from India and Pakistan and believe strongly that more should be done. For example, Ottawa could do more to protect land borders, and should be conducting more domestic and international testing. For its part, Ontario has implemented travel restrictions at Ontario's interprovincial borders, and initiated testing of international arrivals at Pearson airport to ensure that asymptomatic travellers do not visit our communities. Now that the federal government has taken over testing, we would like to see it expanded to domestic flights. The Minister of Health and I have also written to the federal government, indicating areas for improvement.
- *PSWs (termination of employment)* — **Question:** Personal support workers (PSWs) report that, due to emergency orders that limit their ability to work in more than one workplace, employers are terminating their employment. What is the government doing to ensure that these workers are not forced into arbitration or terminated unnecessarily? **Solicitor General's Response:** We want more PSWs working in Ontario. Toward that end, we are working with the Ministry of Colleges and Universities to provide, and pay, for more on-the-job training as part of their education.
 - *After the Stay-at-Home Order* — **Question:** As of today, the Stay-at-Home Order is set to expire on May 19. Can the Minister comment on what might happen after that date? **Solicitor General's Response:** This is very much a data-driven exercise, along with the advice of medical experts. We will be tracking transmission rates, positivity rates, and hospitalization and ICU capacity, and make determinations on the basis of that information.

**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*