

Legislative
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SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT

NINETEENTH INTERIM REPORT

2nd Session, 42nd Parliament
71 Elizabeth II

ISBN 978-1-4868-5941-2 (Print)
ISBN 978-1-4868-5944-3 [English] (PDF)
ISBN 978-1-4868-5953-5 [French] (PDF)
ISBN 978-1-4868-5942-9 [English] (HTML)
ISBN 978-1-4868-5952-8 [French] (HTML)

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The Honourable Ted Arnott, MPP
Speaker of the Legislative Assembly

Sir,

Your Select Committee on Emergency Management Oversight has the honour to present its Report and commends it to the House.

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

Daryl Kramp, MPP
Chair of the Committee

Queen's Park
March 2022

SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT MEMBERSHIP LIST

2nd Session, 42nd Parliament

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STEPHEN CRAWFORD, LISA GRETZKY and JOEL HARDEN regularly served as substitute members of the Committee.

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INTRODUCTION

The Select Committee on Emergency Management Oversight met on January 13, 2022, to receive an update on COVID-19 emergency orders.

First issued under the *Emergency Management and Civil Protection Act* during the early months of the pandemic, these orders have been continued as regulations under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (“the *Reopening Ontario Act*”).

Ontario’s Solicitor General appeared as the Premier’s designate to provide an oral briefing and respond to Committee questions. This report summarizes the Solicitor General’s formal presentation and subsequent discussion with Committee members. To view 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.

This report is a snapshot of the situation in Ontario as of January 13, 2022. On January 5, 2022, all 34 public health units moved to Step 2 of the Province’s reopening framework, as set out in Ontario Regulation 363/20: Steps of Reopening, under the *Reopening Ontario Act*.

This is the Select Committee’s nineteenth interim report. Further interim reports and a final report will follow.

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 Act* 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.

REPORT FROM THE SOLICITOR GENERAL

Opening Remarks

Ontario's Solicitor General, the Honourable Sylvia Jones, appeared before the Committee on January 13, 2022.

The Solicitor General began her remarks with an explanation of Ontario's new public health measures. She said that the transmissibility of the Omicron variant, and the growing case and hospitalization numbers, made it necessary to apply "time-limited measures to deal with the surge." While less severe than the Delta variant, Omicron has the capacity to double the number of infections every three days. Every 1,000 new cases result in "upwards of 10 infected individuals going to the hospital."

The Solicitor General added that the sheer number of people getting sick could deplete staffing levels "across the board and across all sectors," as Omicron mixes with cold and flu season, causing greater absenteeism through illness and the need for self-isolation. As a result, the province has moved to a modified version of Step 2 of the reopening framework until at least January 26, subject to trends in public health and health system indicators.

The Solicitor General said that the government has taken action "to help ease front-line fatigue among health care workers and maintain the flow of vaccines and boosters." For example, the government is accelerating the booster-dose rollout by offering doses to all individuals 18 and over and reducing the booster-dose interval from six to three months. She also commented that thousands of volunteers (e.g., nursing students, firefighters) have signed up for Ministry of Health training on vaccine administration. As well, organizations have started running employer-led booster vaccine clinics, with others to begin operation in the coming weeks. The Solicitor General also noted that the province's GO-VAXX mobile clinics have administered more than 31,000 vaccine doses across Ontario to date.

Amended Orders

O. Reg. 363/20 (Steps of Reopening) has been amended to place all of Ontario's 34 public health units into Step 2 effective January 5, 2022. This move is intended to help blunt the rate of transmission of the Omicron variant and prevent hospitals from becoming overwhelmed.

O. Reg. 263/20 (Rules for Areas in Step 2) was last amended on January 3, 2022, and includes the following rules and restrictions:

- Subject to limited exceptions, schools are not permitted to provide in-person learning, with students moving to remote learning until January 17.

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- School buildings are permitted to open for limited purposes, including for child care operations, and to provide in-person learning for students with special educational needs. Emergency child care is available for school-age children of health care and other eligible front-line workers.
 - Social gatherings are limited to five people indoors and 10 people outdoors.
 - Capacity at weddings, funerals, and religious services is limited to 50% capacity of the room. Outdoor services are limited to the number of people who can maintain two metres of physical distance. Social gatherings associated with these services, such as a reception, must adhere to the social gathering limits.
 - Retail settings are permitted to operate at a maximum of 50% capacity and are subject to other requirements. For shopping malls, physical distancing is required in line-ups, and food courts must remain closed.
 - Personal care services, such as barbershops and salons, are permitted to operate at 50% capacity and by appointment only, and must comply with other restrictions.
 - Saunas, steam rooms, and oxygen bars remain closed.
 - Indoor dining at restaurants, bars, and other food and drink establishments is closed, subject to limited exceptions. Outdoor dining with restrictions, takeout, and drive-through are permitted.
 - Public libraries are limited to 50% capacity.
 - Indoor facilities for sports and recreational fitness activities are closed, with some exceptions. Outdoor facilities are permitted to operate with the number of spectators not exceeding 50% occupancy.
 - Indoor concert venues, theatres, and cinemas are closed. Rehearsals and recorded performances are permitted, with restrictions.
 - Casinos, bingo halls, and other gaming establishments, and indoor venues such as museums, galleries, zoos, and amusement parks are closed.
 - Outdoor establishments are permitted to open with restrictions, including spectators being limited to 50% capacity, where applicable. Boat tours are permitted to operate at 50% capacity, with physical distancing.

Other changes since the Committee last met include,

- updated testing and isolation guidelines in response to Omicron; and
- mandating third vaccine doses for all staff, students, volunteers, caregivers, and support workers in long-term care settings (as of January 28, 2022), as well as requiring booster doses (third doses) for visitors once the temporary pause on visitation is lifted.

Extended Orders

The following orders under the *Reopening Ontario Act* had not been amended since the last Committee meeting. They remain in effect and have been extended until February 14, 2022. Orders are presented in numerical order, along with the Solicitor General's explanation for extension.

- *O. Reg. 74/20 (Work Redeployment for Certain Health Services Providers)* — This order authorizes specified health service providers, as defined in 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 sites within the organization or to other health service providers, long-term care homes, or retirement homes.
- *O. Reg. 76/20 (Electronic Service)* — This order requires document service in legal matters against the Crown, ministers of the Crown, and related entities to be done electronically instead of in person. The order is needed to promote 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)* — Long-term care homes have been affected by the pandemic and continue to rely on this regulation to help stabilize staffing levels, which is crucial to prevent and manage outbreaks. The Minister's directive on long-term care homes' COVID-19 immunization has been updated to reflect the revised National Advisory Committee on Immunization recommendations regarding the optimal interval between first and second doses. The update gave staff, support workers, students, and volunteers until December 13, 2021, to show proof of a second dose. For broader staffing pressures, this order provides long-term care homes with greater flexibility to identify staffing priorities and develop, modify, and implement redeployment plans as required. This is to alleviate the effects of COVID-19 and deal with staff shortages and increased care required to address an outbreak.
- *O. Reg. 95/20 (Streamlining Requirements for Long-Term Care Homes)* — This order provides long-term care homes with increased flexibility through a temporary suspension of several requirements. It enables homes to better focus resources on providing high-quality resident care and the safety needs of residents, while ensuring homes have flexibility to hire needed staff. The flexibility provided by these provisions continues to be required in long-term care homes to recover from current and earlier waves of the pandemic.
- *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.
- *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 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 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 to help prevent and manage outbreaks to keep residents safe. Additionally, 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 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. Measures to alleviate staffing pressures continue to be needed as these agencies respond to challenges posed by COVID-19.
 - *O. Reg. 141/20 (Temporary Health or Residential Facilities)* — This order exempts the construction or conversion of a building from all 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 effects of the COVID-19 pandemic, or as 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 be in place to enable the Province to respond to contingency planning, hospital overflows, and shelter space needs caused by the pandemic.
 - *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 respond to challenges posed by COVID-19 and continue 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 currently limits working in more than one long-term care home, retirement home, or other health care setting to fully vaccinated staff. In light of the evolving situation, with increasing community spread of COVID-19 throughout Ontario and uncertainty regarding the Omicron variant of concern, this order must be maintained as a precautionary measure. Even with the long-term care sector having a mandatory vaccination policy in place, there

are still individuals who have a medical exemption that the order would be applicable to.

- *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 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, now operating as Home and Community Care Support Services, to identify, request, and authorize a contracted service provider organization to provide health care and related social services. The order is needed to address staffing issues in priority settings, including at long-term care homes and retirement homes, in an expedited manner. An employee of the service provider organization is not required to agree to provide the requested services.
- *O. Reg. 157/20 (Work Deployment Measures for Municipalities)* — This order was issued at the request of municipalities and provides flexibility to redeploy staff to ensure front-line service continues to be delivered in critical areas of need. Continuity of service delivery at the municipal level is critical 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 vaccinated employees to work in more than one location to safely increase staffing capacity. Limiting work to a single retirement home remains crucial for unvaccinated 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 outbreak of COVID-19 to maintain health human resources flexibility.
- *O. Reg. 177/20 (Congregate Care Settings)* — This 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 vulnerable clients. Staff members who are fully vaccinated against COVID-19 are exempt from the requirement to work for one employer in the same sector, except in the event of a COVID-19 outbreak.
- *O. Reg. 193/20 (Hospital Credentialing Processes)* — This order authorizes the board of a hospital to take any reasonably necessary measure—regardless of hospital credentialing processes—to respond to, prevent, and alleviate the outbreak of COVID-19. This includes identifying medical, dental, midwifery, and extended class nursing staff needs and priorities; extending

existing hospital credentials for board-appointed professional staff; and expediting the appointment of new professional staff.

- *O. Reg. 195/20 (Treatment of Temporary COVID-19 Related Payments to Employees)* — This 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* during a moderation period. This includes the temporary wage enhancements for personal support workers and direct support workers.
- *O. Reg. 210/20 (Management of Long-Term Care Homes in Outbreak)* — This order gives the Ministry’s director of long-term care expanded authority to issue a mandatory management order to long-term care homes. It allows the director to place interim management to effectively protect residents from COVID-19.
- *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 the case of an outbreak, should an operator be unable or unwilling to manage operations at a home where there is a COVID-19-related risk of harm to residents. It remains crucial to ensure that retirement homes are following appropriate COVID-19 measures that protect resident and staff safety.
- *O. Reg. 345/20 (Patios)* — This order enables municipalities to quickly pass or make changes to temporary-use bylaws that allow restaurants and bars to create or extend their patios to facilitate appropriate distancing and maintain public health measures. With the emergence of the Omicron variant and restrictions on indoor dining, municipalities may need to urgently make use of the emergency order to extend or modify their temporary-use bylaws.

Concluding Remarks

The Solicitor General concluded her formal presentation by noting that the Omicron variant is part of a much different story than the original COVID-19 virus, due to the availability of vaccines. Over 88% of those aged 12 and over are fully vaccinated, and over five million people have received a booster dose. Nearly 50% of children aged five to 17 have received one dose. She emphasized that the evidence on vaccines is clear, and urged unvaccinated Ontarians, or those who have not yet received a booster dose, to book their appointments as soon as possible.

In the meantime, the Solicitor General assured Committee members that the government, in consultation with the Chief Medical Officer of Health (CMOH), would continue to monitor trends in key public health and health care indicators and to “take swift action” to ensure the health and safety of Ontarians.

DISCUSSION

The final section of this report summarizes the Solicitor General's discussion with Committee members on various pandemic-related topics.

- ***Ventilation and HEPA Filters in Schools*** — **Question:** Some school boards have said they do not yet have sufficient HEPA filters for all of their classrooms. Could the Solicitor General comment on the government's efforts to provide HEPA filters to schools and explain why HEPA filters were not provided sooner for all classrooms? **Solicitor General's Response:** When students went back to school in September, there had already been a deployment of 70,000 HEPA filters to schools and school boards. The Minister of Education's announcement yesterday of 3,000 additional HEPA filters is "an added layer of protection." Ontario is also "leading Canada" in terms of providing non-fitted N95 masks to all staff working inside schools, as well as offering "three-layer masks" for students who do not otherwise have access to them.
- ***Government Consultation with School Boards*** — **Question:** The Dufferin-Peel Catholic District School Board has sent a letter to the Minister of Education expressing "grave concern" about newly announced protocols for COVID-19 in schools and a lack of government consultation regarding the changes. The Committee member said that some boards have told the member that they are hearing about some announcements "when everybody else is, in the media." Can the Solicitor General comment on the government's contact and consultation with school boards? **Solicitor General's Response:** The Minister of Education has a standing weekly meeting with all of the boards of education across Ontario "to inform and update." As well, the deputy minister is "in constant engagement" with boards of education across Ontario. The COVID-19 pandemic has not been consistent. There have been changes as a result of variants, and as a result of absenteeism, that the government has had to deal with. The Minister's ability to take two weeks in January to put in added measures "speaks to his passion and commitment to making sure that schools are open and can continue to operate safely." The "vast majority" of parents want to see their children back in the classroom. We have the ability to work quickly with partners on the front line through our 34 public health units, as well as our school boards, to put the protections in place.
- ***COVID-19 Infections in Schools (Reporting)*** — **Question:** Can the Solicitor General explain why the government has changed the protocols for COVID-19 reporting in schools? What is the rationale for not requiring schools and school boards to inform families about absences until 30% of students and staff are already absent and "potentially infected" with COVID-19? **Solicitor General's Response:** There are a couple of pieces that are really critical and were covered by the CMOH and the Minister of Education in their announcement yesterday; that press conference, and the information that was given through the prior technical briefing, are available as additional information for the Committee's clarification. Young people want to be in school. That is why the government took those additional two weeks in January to ensure that we have the precautions in place. Children's hospitals across Ontario have emphasized the importance of keeping schools open, with protections in place.

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- **Reporting of COVID-19 Infections in Schools (Messaging) — Question:** A Committee member said that they were hearing from boards of education that parents are confused and apprehensive about the return to school. Can the Solicitor General explain the government’s position regarding reporting of COVID-19 infections in schools? Is the government’s position likely to change again in the short term? **Solicitor General’s Response:** The government has heard clearly from parents that they want their children to be in class. School boards will publicly release all reported absences, whether related to COVID-19, or colds, or other illnesses. There is also work being done at the board level for a website, “individually, by board,” to ensure that parents have the information to empower them to make appropriate decisions for their children. I think parents understand that there are different levels of risk depending on the age of the child and whether that child has other illnesses; only a parent, working with their primary health care provider, can make the determination of what is appropriate for each individual student.
 - **Benefit of Vaccination against Omicron — Question:** Can the Solicitor General clarify what benefits vaccination provides against the Omicron variant of COVID-19? **Solicitor General’s Response:** We have seen that individuals who have first and second doses can still contract Omicron. But we have also seen that their symptoms and their medical outcomes are “much, much milder.” The way I explain it to people who ask me about the value of third-dose boosters is that the likelihood of having severe outcomes will be “much, much less.”
 - **Health Care Capacity and Staffing (Absenteeism) — Question:** Ontarians are hearing a lot about absenteeism. Can the Solicitor General explain what work the government is doing to bolster health care capacity, including staffing? **Solicitor General’s Response:** Since March 2020, the government has launched emergency programs that have added over 6,700 health care professionals to our health care system. Right now, with the College of Nurses of Ontario’s co-operation, we have more than 1,200 internationally educated applicants who have expressed an interest in “participating in our health care rollout.” We also have volunteers participating in our vaccine rollout. Ontario has sufficient vaccines, and now we need additional vaccinators to increase our capacity. Earlier this week, we had around 1,500 people with health care experience who have offered to be “volunteer vaccinators.”
 - **Rollout of Third Doses — Question:** How is Ontario doing compared to other provinces in terms of the expansion of booster doses? **Solicitor General’s Response:** Ontario is “leading Canada.” We are using more than one pathway, with the participation of the private sector with on-site, in-business locations (e.g., the Ontario Food Terminal). We also have the participation of hundreds of pharmacies across Ontario. Individuals who do not work traditional hours can go to a pharmacy, or work with their primary care practitioners. *[The time for questioning expired at this point in the Solicitor General’s response.]*
 - **Mandatory Vaccinations for Students — Question:** The *Immunization of School Pupils Act* provides a tool to protect students by making vaccines universal in schools, and gives parents the opportunity to be educated to make informed decisions about vaccination. Could the Solicitor General

explain why the government is not “talking about” adding COVID-19 to the list of vaccinations required to attend school in Ontario? **Solicitor General’s Response:** This question may be better directed to the Ministry of Health. As I understand it, there are currently nine vaccines that children in our public school system must have, unless they have an exemption. There are exemptions available to parents and guardians who choose not to get their children vaccinated. Our ability to offer vaccines to young people has been bolstered by the fact that we have had a longer period of time, particularly for high-school-aged students. The vaccination rate for high school students is in the 80% range. For pediatric doses (five-to-11), it is closer to 50%. Right now, we are dealing with a pandemic. When our health experts and the CMOH determine we are at an endemic stage, then there will be an opportunity for further study and review to determine whether the COVID-19 vaccine is appropriate to be added to the list.

- **Changing Messaging — Question:** Is the Solicitor General concerned that changing messaging, for example about returning to in-class learning after Christmas, is creating confusion for Ontarians? **Solicitor General’s Response:** The pandemic has not been “straight-line consistent.” It is important for the government to react to the new data that we are being asked to review (e.g., input from the CMOH, the COVID-19 Science Advisory Table, public health units, and the hospital sector). Government must respond when we see changing metrics and dynamics. That is what happened when we “put a pause” on reopening schools for two weeks to give the Minister of Health time to put in additional measures, “but more importantly, to ensure that when the schools open, we don’t have high percentages of absenteeism for workers.”
- **Closing Gyms and Indoor Dining — Question:** When the government announced the closures of gyms and restaurants and bars for indoor dining, why did it take “almost two weeks” to announce details of how business owners could access related supports? **Solicitor General’s Response:** When the Premier made that announcement, the Minister of Finance was “with him at the podium” and assured businesses that additional relief would be coming. In the background, we were also working with the federal government “on making sure that they also came to the table with additional supports.” We want people to be able to survive through this Omicron wave to make sure that, at the end of the day, these businesses are open and “there for us in our community.”
- **Procurement of Masks and PCR and Rapid Antigen Tests — Question:** Chambers of commerce have been a distributor of masks for local business communities. However, in December, the ordering portal said, “You can’t get them anymore.” When can chambers of commerce expect to be back in the supply chain? And could the Solicitor General explain why the government did not order more masks and PCR and rapid antigen tests, and increase capacity for PCR and rapid antigen testing, sooner? **Solicitor General’s Response:** Boards of trade and chambers of commerce have been an incredible partner in the rollout and distribution of rapid antigen tests. In December, the federal government had promised 4.5 million additional rapid antigen tests, which did not arrive. Through provincial procurement, we have been actively sourcing other opportunities to buy rapid antigen tests from the two manufacturers currently approved in Canada. It is important for the

Committee to understand that Health Canada approves which rapid antigen tests are available in Ontario and Canada. There are rapid tests being used in other countries that have yet to be approved in Canada. As well as continuing to receive “a limited amount” from the federal government, Ontario is procuring additional rapid antigen tests. Those tests are being used “very strategically” in education and other essential sectors.

- **COVID-19 Test Positivity — Question:** The COVID-19 case count early in the new year was “on an upward trajectory,” but lately the test positivity rate “appears to be levelling off.” Is there reason to be optimistic about those recent numbers? **Solicitor General’s Response:** I believe there is reason to be optimistic. The rapid incline in Omicron cases suggests that we would see a similar and rapid decrease. That is only one indicator. We will continue to monitor absenteeism rates in health care and other essential services, because that information is also factored in.
- **Rapid Antigen Tests Supplied by the Federal Government — Question:** Does the Solicitor General know how many rapid antigen tests the federal government has supplied to Ontario since the beginning of the Omicron wave? **Solicitor General’s Response:** I am not able to provide all of the specifics. In December, Ontario was expecting 4.5 million rapid antigen tests from the federal government. In fact, we received “a very small percentage of that,” which is why we have had to be strategic about their use. For example, we provided the five free rapid tests children went home with for the Christmas break, with a further two tests to be provided to each student starting Monday, January 17. The Minister of Government and Consumer Services is doing procurement for Ontario. This has been challenging because Health Canada has only approved two producers. As an addendum to this question, the Solicitor General later added: “In January, the federal government signalled to us that we would be receiving 54 million. In fact, we are now expected to receive only three million” rapid antigen tests from the federal government.
- **Antiviral Medications to Treat COVID-19 — Question:** Ontario Health and others have commented on the importance of new antiviral medications as a tool to reduce hospital admissions. Does the Solicitor General have any information about when Health Canada might approve these antiviral pills and when they might be available in Ontario? **Solicitor General’s Response:** I believe there is one pilot in Hamilton that is showing positive results. Again, we need federal government approvals before we can “roll it out in a more active way.” Planning is taking place in the hope that we will get additional approvals, whether for antivirals or for additional rapid antigen-type tests.
- **Price Gouging (PCR and Rapid Antigen Tests) — Question:** Ontario has restricted PCR tests due to insufficient supply. Right now, some people are selling PCR tests for as much as “\$200, \$300 or \$400.” Drug stores sell rapid antigen tests for \$40, when these tests cost much less from a wholesaler. Is the Solicitor General concerned that pharmacies are selling rapid tests at a higher price, or that private businesses are selling PCR tests at inflated prices? **Solicitor General’s Response:** I hope that Committee members are referring constituents to the Ministry of Government and Consumer Services’ 1-800-889-9768 number. That is where consumers can report price gouging for review by the Ministry and referral to the local police authority, if needed.

What frustrates me is seeing other jurisdictions, like the United States and United Kingdom, having access to rapid antigen tests that are not yet approved in Canada. There are pathways for people to get a PCR test using the pharmacy model if they must travel or if they need a negative test in order to return to work. Those are pathways that have always been available to Ontario residents.

- **COVID-19 Vaccinations for Educators — Question:** What steps can the government take to ensure that teachers have access to vaccines? **Solicitor General's Response:** We have added opportunities for educators to get vaccinated, including adding the Toronto Zoo as a host site with “a large percentage” of time slots after school for educators to get their shots so they are ready for school on Monday, January 17.
- **Encouraging COVID-19 Vaccination for Children — Question:** Ontario seems to be “lagging behind” some other provinces, such as Newfoundland and Labrador, when it comes to vaccinating children. Can the Solicitor General comment on the government’s efforts to encourage COVID-19 vaccination for children and on the vaccine campaign within schools? **Solicitor General's Response:** Ontario has had good engagement on the primary-care-practitioner model, because a lot of parents and caregivers want to have more detailed conversations about the value of vaccination with their nurse or family doctor. The government has also been working with public health units to expand the opportunity for young people to get vaccinated in schools. This is what Newfoundland and Labrador has done successfully and why that province is now leading Canada in pediatric doses administered. As I understand it, the Minister of Education has prepared the letter that will go home to parents and caregivers “explaining that the opportunity for their young people to get vaccinated in school will be available, and asking for their informed consent.” We have used different pathways with mass immunization clinics and the pharmacy model, but we believe offering in-school vaccination during the school day will “give us that additional bump” to increase pediatric vaccination rates beyond 50%.
- **Benefits of In-class Learning — Question:** Could the Solicitor General comment on the COVID-19 Science Advisory Table’s recent report on returning to school? How did the government weigh the social, educational, and mental health benefits of in-class learning against the risk of community transmission of Omicron when deciding to send kids back to class? **Solicitor General's Response:** There is no doubt that children have better outcomes when they are in a physical classroom. Input and advice from children’s hospitals like the Children’s Hospital of Eastern Ontario, SickKids, and the London Health Sciences Centre “drove some of the motivation” for the government to make investments in the summer so that schools could safely reopen in the fall. Because of that work, Ontario had children in the classroom until Christmas break. Taking the additional two weeks in January during the “dramatic spike” caused by Omicron gave the Ministry of Health the opportunity to implement additional measures with an additional 3,000 HEPA filters and a decision to offer non-fitted N95 masks for all school personnel, in addition to offering three-ply masks to students who did not already have access to them.

- ***Time-limited Public Health Measures — Question:*** The Solicitor General has emphasized that the new public health measures that took effect earlier this month are time-limited measures. Can the Solicitor General speak about the importance of ensuring that these measures are temporary? How confident can our constituents be that they are not going to see “extension upon extension” of the *Reopening Ontario Act*? **Solicitor General’s Response:** This is a great point. We continue to monitor the data. [*The time for questioning expired at this point in the Solicitor General’s response.*]

**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*