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SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT

TWENTIETH INTERIM REPORT

2nd Session, 42nd Parliament
71 Elizabeth II

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The Honourable Ted Arnott, MPP
Speaker of the Legislative Assembly

Sir,

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

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

Daryl Kramp, MPP
Chair of the Committee

Queen's Park
April 2022

SELECT COMMITTEE ON EMERGENCY MANAGEMENT OVERSIGHT MEMBERSHIP LIST

2nd Session, 42nd Parliament

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*LINDSEY PARK was replaced by DONNA SKELLY on October 20, 2021.

DOLY BEGUM, MICHAEL MANTHA and DAVE SMITH regularly served as substitute members of the Committee.

CHRISTOPHER TYRELL
Clerk of the Committee

AMANDA BOYCE
Research Officer

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INTRODUCTION

On February 10, 2022, the Select Committee on Emergency Management Oversight met for the twentieth time to receive an update on COVID-19 emergency orders. Issued in the first months of the pandemic under the *Emergency Management and Civil Protection Act*, these orders have been continued as regulations under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* (“the *Reopening Ontario Act*”).

The government House leader and Minister of Legislative Affairs and Long-Term Care appeared as the Premier’s designate to provide an oral report and respond to Committee questions. The presentations and discussion with Committee members are summarized in the pages that follow. To view the Minister’s full remarks, and all questions posed by Committee members, the reader is referred to the official *Hansard* transcript.

It should be noted that this report reflects the situation in the province on February 10, 2022. As of January 31, 2022, Ontario’s 34 public health units had moved to Step 3 of the province’s Steps of Reopening, as set out in Ontario Regulation 363/20: Steps of Reopening, under the *Reopening Ontario Act*.

This is the Select Committee’s twentieth 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.¹

Reporting provisions under the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* include a requirement that the Premier (or a Minister to whom the Premier delegates the responsibility) appear before and report to a standing or select committee designated by the Assembly, at least once every 30 days, concerning:

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

Hearings consist of an opening statement from the Premier or his designate(s), followed by Committee member questions. The Committee is authorized to release interim reports summarizing each hearing.

The Committee’s mandate is reproduced in full in Appendix A to this report.

¹ The Select Committee on Emergency Management Oversight was reappointed on October 7, 2021, with the same mandate and membership that existed prior to the prorogation of the 1st Session of the 42nd Parliament, and resumed business at the same stage of progress.

REPORT FROM THE MINISTER OF LEGISLATIVE AFFAIRS AND LONG-TERM CARE

Opening Remarks

The government House leader and Minister of Legislative Affairs and Long-Term Care, the Honourable Paul Calandra, presented to the Committee on February 10, 2022.

The Minister began by discussing evidence that the Omicron variant had reached its peak in Ontario's population around early January, as virus-related hospital admissions and ICU occupancy capacity seem to have plateaued. He asserted that the impacts of the Omicron variant on human health are less severe than the Delta variant and that hospital stays are shorter. Employees are recovering from previous illness and returning to work, and non-emergency surgeries are being rescheduled.

The Minister advised that the number of new COVID-19 cases resulting in hospitalization could be expected to increase as restrictions were lifted, which is why the orders under the *Reopening Ontario Act*, along with certain other protective measures, will remain in place for the immediate future. He shared that temporary restrictions at long-term care homes across the province are being eased, with residents soon able to have more visitors in the home, appoint a greater number of caregivers, and resume day trips.

The Minister recalled the situation in February 2021, when the province was under a second provincial declaration of emergency and a stay-at-home order under the *Emergency Management and Civil Protection Act*, certain businesses were closed, and hospitals were nearly overwhelmed.

The Minister credited the advent of vaccines and high rates of uptake in Ontario of both initial and booster shots for improving the situation a year later. Other contributors were expanded vaccine availability to include children aged five to 17 and the introduction of Paxlovid, Ontario's first oral COVID-19 treatment which can be administered at home to adults with severe symptoms.

The Minister observed that just under 90% of Ontarians aged 12 and up are fully vaccinated, and just under a quarter of children aged five to 11 years old. Although Ontario's supply of Paxlovid is currently limited, the Minister advised that deliveries from the federal government are expected in the coming weeks. Further, media is reporting that Pfizer has applied to the Food and Drug Administration in the United States for emergency authorization for a two-dose version of the COVID-19 vaccine for children six months to five years of age. The Minister predicted that Health Canada would also test this new vaccine rigorously in the coming months. The Minister further anticipated that in the future, more treatments, such as boosters for specific variants, would be developed.

The Minister reiterated the government's commitment to working with public health officials to further enhance rates of vaccination, while cautiously removing certain restrictions and maintaining others that are necessary to keep Ontarians safe.

DISCUSSION

The concluding discussion with Committee members on various pandemic-related issues is summarized below.

- **Pandemic Protests (Ottawa) — Question:** Will the province take action such as restricting or cancelling the occupational licences for the vehicles involved in the pandemic protests in Ottawa, or take action on their insurance policies? **Minister's Response:** There are concerns that using the provisions of the *Highway Traffic Act* (HTA) to assist the situation in Ottawa would not be effective because those provisions were drafted for road safety, and not aimed at protests. The Ottawa Police and Ontario Provincial Police (OPP) are on the ground, and the province deputized the Royal Canadian Mounted Police (RCMP) so they can enforce provincial and municipal laws. Politicians do not direct them, but they have full powers under the *Criminal Code* as well as the HTA.
- **Pandemic Protests (Ottawa) — Question:** Has the Ministry of Transportation (MTO) stopped, inspected, or documented some of these Ontario-registered vehicles, whether personal or commercial? **Minister's Response:** There have been MTO inspectors on the ground. They are working with the Ottawa police and OPP in respect of signage, as well as safety inspections, and they continue to be on the ground. Ottawa police continue to lead enforcement on the ground. The OPP was on the ground in advance of the protest and continues to be on the ground. We are working to support the Ottawa Police Service in any way they request. The RCMP has also been deputized by the province. They have authority to use whatever resources they need to help bring this to an end.
- **Pandemic (ICU Capacity) — Question:** Are we seeing a reduction in ICU occupancy for COVID-related illnesses? **Minister's Response:** We are starting to see hospitalizations and ICU admissions coming down as we progress through the Omicron wave. Getting that capacity back is important so that we can resume surgeries again, and we have put significant resources in place to deal with the surgical backlog. We started working on increasing critical care and ICU capacity. We are cautiously optimistic that things are moving in the right direction.
- **Pandemic Measures (Vaccination) — Question:** The GO-VAXX bus has been to Sarnia-Lambton twice. How has the GO-VAXX bus program been expanded in recent weeks to the rest of Ontario? **Minister's Response:** I do not have exact numbers, but thousands of vaccinations have taken place through GO-VAXX busses. There are currently six of them, and we are adding an additional bus to the fleet with the co-operation of Metrolinx. The busses have done a spectacular job.
- **Pandemic Measures (General) — Question:** COVID-19 cases seem to be trending down and getting less serious. Can Ontarians expect an easing of these emergency regulations in the near future? **Minister's Response:** There is reason to be optimistic across the province. We have started opening long-term care homes for additional visitors. As of February 21, anyone who is double-vaccinated and wearing appropriate PPE will be able to visit. We recently moved to a different reopening step and have 50% capacity in restaurants. As long as indicators continue moving in this direction, we will remove additional restrictions. We are moving in the right direction to have most restrictions removed by mid-

March. We are constantly monitoring data such as outbreaks, hospitalizations, and ICU capacity, all of which have started to come down very quickly.

- **Pandemic Measures (Long-Term Care) — Question:** As Minister of Long-Term Care, can you comment on how vaccinations are being delivered in long-term care homes? And how are staff, residents, and visitors ensuring that people stay safe? **Minister's Response:** A little over 90% of residents are fully vaccinated and have received a booster. Close to 85% of staff are fully vaccinated and have a booster. In addition to vaccination, we have increased investments in infection control and prevention, and are working with public health units to ensure that we keep residents safe. Instances of outbreaks among residents and staff are coming down very quickly.
- **Pandemic Measures (Long-Term Care) — Question:** Hospital capacity has been expanded by about 3,100 beds during the pandemic. In terms of long-term care homes, what has been done to ensure residents are safe and comfortable post-COVID? **Minister's Response:** A number of pillars are involved, including building new, modern facilities which we have started to do, and investing in more staff so we can reach the level of four hours of care per resident per day. This means onboarding an additional 27,000 PSWs and nurses into the system and significantly funding infection prevention and control measures. The move to Ontario Health Teams before the pandemic to “create a blanket of care” in the community will also help going forward.
- **Pandemic Protests — Question:** Bill 68, the *Comprehensive Ontario Police Services Act, 2019* passed in March 2019. The new policing legislation included in that bill allows a police services board and the minister to charge organizers for increased policing costs associated with “things like rallies or parades or, in this case, occupations.” Why is this part of the Act not in force, and why is it not being used right now? **Minister's Response:** I can say to the organizers that “the rule of law and the authority of state will prevail.” The police on the ground do have the tools that they need to manage the situation, including regulations and administrative penalties under the HTA. We do not direct them, but they have those tools.
- **Pandemic Protests — Question:** Will emergency powers be utilized to give access to things such as manpower and the ability to move trucks that tow truck companies will not move? **Minister's Response:** We have received requests from Windsor and Ottawa and have approved that going forward. The OPP Commissioner is reviewing what additional assets can be provided to the Ottawa Police Service.
- **Pandemic Protests (Windsor) — Question:** Windsor has the biggest trade border in Canada, and the protest has had a huge impact across the entire country and North America. What is being done to enforce the laws and to stop people from blocking provincial and municipal roadways? **Minister's Response:** International borders are the responsibility of the federal government and we have been communicating with them. The bridge itself is the responsibility of the federal government and the Canada Border Services Agency (CBSA). We have offered the assistance of the OPP to the local community where it has been asked of us.

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- **Pandemic Protests (Windsor) — Question:** What financial support will the government be offering the people of Windsor who are losing money because they cannot access their businesses and to workers facing work stoppages due to the blockade? **Minister's Response:** We are working to get the bridge opened again as soon as possible to demonstrate to the world that Canada is a reliable trade partner. We have supported businesses in the past, and we are looking at options going forward. The same people who are closing these bridges are putting their own livelihoods at risk. If we cannot be part of a productive supply chain, our partners in the United States will find other avenues to ship their goods. We are doing everything we can to support the RCMP and the CBSA and the federal government to get the bridge open.
 - **Pandemic Protests (Windsor) — Question:** A Committee member said that, although there is a government support program, businesses were telling the member they could not access the program because it is not open. What supports are going to be put in place immediately for businesses? **Minister's Response:** Applications for the \$10,000 business support grant opened up yesterday on February 9, 2022.
 - **Pandemic Measures (Long-Term Care) — Question:** Can the Minister elaborate on his comments about the rules changing to allow more visitors into long-term care homes? Will those who are not vaccinated due to exemptions or otherwise be allowed to visit? **Minister's Response:** We have gone from allowing two to allowing four essential caregivers. On February 21, we will allow visitors who are fully vaccinated—meaning two doses—to begin visiting. Hopefully by the middle of March we can allow all visitors back into the homes. Rapid testing of visitors will continue in the short term, and masking will continue. We have seen how vaccinations and boosters have kept our residents safe. We have also changed our recommendations to public health units to rely more on testing and less on isolation, and to give more opportunities for residents to socialize in homes.
 - **Pandemic Measures (Long-Term Care) — Question:** What is the status of initiatives to add more beds to long-term care homes? **Minister's Response:** We are on our way to our goal of creating 30,000 new beds and updating over 20,000 additional new and upgraded beds by 2028. We opened up a rapid build in Ajax recently which took one year to build. We are also onboarding thousands of PSWs and nurses to meet our goal of four hours of care per resident per day.
 - **Pandemic Measures (Schools) — Question:** Can you share how plans for pandemic measures are proceeding with respect to schools? **Minister's Response:** Significant resources have been made available in schools, including millions of rapid tests for students, HEPA filters in every classroom, and additional staff including cleaning staff and teachers. We are continuing with measures—masking, sending N95 masks to teachers—and are progressing well to keep schools open.
 - **Pandemic Measures (General) — Question:** What factors are being considered in relation to further relaxation of public health measures? **Minister's Response:** Both ICU and hospital capacity are being considered, and communicating with public health units across the province to see where they are locally.

- **Pandemic Protests (Ottawa) — Question:** What is happening with some of these protestors is “sedition.” Is the government planning to declare a provincial state of emergency? **Minister’s Response:** The mayors of Ottawa and Windsor have asked for assistance from the province, and we have agreed to that assistance. The commissioner of the OPP is going to work with the Ottawa and Windsor police services. People have the right to protest, but protest leaders in Ottawa are asking for the overthrow of the government. We do not condone the racist flags, violence, or desecration of monuments. Federally, Parliament has the right to govern, and the provincial government is guided by what Ottawa and Windsor have asked for.
- **Committee Attendance — Question:** Why is the Solicitor General not attending this meeting? **Minister’s Response:** The mandate of this committee is pandemic response and the Premier has the ability to delegate who he believes is appropriate to attend. Long-term care is a pressing issue. The Solicitor General is working closely with counterparts in Ottawa, Windsor, and federally. She is coordinating our response and making sure the OPP has resources.
- **Pandemic Protests (General) — Question:** Will the Legislature be recalled so that we can discuss what is happening in Ottawa, Windsor, and Sarnia and pass any needed rules or legislative changes? **Minister’s Response:** We do not currently need to do so. We are monitoring the situation, and will be meeting with the official opposition’s House leader and the independents shortly. If we need to recall the Legislature, it will happen.
- **Pandemic Protests (Ottawa) — Question:** Could the next round of business support funding be implemented right away for all Ottawa recipients of the first two rounds? Can the Legislature be immediately recalled in light of the alarming experiences of Ottawa residents, in order to debate these issues and ensure administrative penalties are brought to bear on the convoy? **Minister’s Response:** There are already tools in place under the *Criminal Code* and the *Highway Traffic Act* for individuals involved in the protest to be charged. That is why the RCMP has been deputized to assist with enforcement. We are guided by the Ottawa Police Service, and they have not relinquished control over the enforcement of protests to the OPP, nor have they requested that we assume control of the site in Ottawa. We will continue to work with them.
- **Pandemic Protests (Ottawa) — Question:** Can we call on all caucus members of our Legislature, as well as federal Members of Parliament, to immediately stop supporting this convoy? **Minister’s Response:** We do not interfere with federal politics or federal members. We will continue to work with all colleagues on all sides of the House to bring an end to this in an appropriate manner. We will ensure that, going forward, we have all the tools we need so that this type of protest does not happen again.
- **Pandemic Measures (Long-Term Care) — Question:** How many long-term care beds has this government committed to creating? **Minister’s Response:** We recently announced 700 new long-term care beds in Hamilton. Beyond beds, we are also mindful of the need to increase staffing levels to meet the goal of four hours of care. We have significant investments in healthcare more generally in the Niagara region, Mississauga, Brampton, and Ottawa.

- **Pandemic Measures (Long-Term Care) — Question:** What is the number of long-term care beds that this government has committed to creating? How many long-term care beds were created in previous years? **Minister's Response:** There were 611 beds created in Ontario between 2011 and 2018. The government is investing in long-term care by creating new beds and also investing in the quality of care. That means additional PSWs and nurses in the homes, and giving PSWs the opportunity to become registered practical nurses (RPNs) and RPNs to become nurses by supporting them in the community with funding.
- **Pandemic Measures (Testing) — Question:** How is the government going to ensure that rapid tests are distributed to Ontarians across the province? **Minister's Response:** We are in the process over the next eight weeks of providing approximately five million tests a week and making them readily available across all communities, in grocery stores and pharmacies.
- **Pandemic Measures (Financial Supports) — Question:** What financial support programs have been made available to small businesses? **Minister's Response:** Another \$10,000 tranche of the small business support grant was opened up yesterday. We have also offset the cost of electricity and education taxes.

**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*