

An aerial photograph of a crowd of people on a paved surface. The ground is marked with a grid of yellow lines. Several large, semi-transparent yellow circles are overlaid on the grid, highlighting specific areas. The people are scattered throughout the scene, some standing, some walking, and some sitting. The overall color palette is warm, dominated by yellows and oranges.

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Update on provincial lockdown measures

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DENTONS WEBINAR SERIES
COVID-19 - LEGAL UPDATE
FOR CANADIAN EMPLOYERS

Our panelists



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The background features a warm orange gradient. Three large, semi-transparent yellow circles are scattered across the frame: one in the lower-left, one in the upper-right, and a smaller one in the lower-right. The text is positioned on the left side, overlapping the large circle in the lower-left.

COVID-19 Restrictions

British Columbia

Overview of new restrictions

- **Mask Mandate:** On November 24, 2020, BC enacted a mandatory mask mandate applicable to all indoor public spaces.
 - \$230 fine if you do not wear a mask in an indoor public setting unless you are exempt (under 12, unable to wear a mask for a medical reason) or refusing to comply with the direction of an enforcement officer, including direction to leave the space or engaging in abusive or belligerent behaviour.
- **Travel Advisory:** All non-essential travel should be avoided including travel into and out of BC and between regions of the province for vacation or to visit family or friends outside of the household / core bubble.
- **Restrictions on Gatherings:** On December 4, 2020, the Public Health officer published her revised order effectively banning all social gatherings in the province until at least January 8, 2021, with a focus of gatherings within private households, effectively cancelling all Christmas and other holiday celebrations.

Workplace restrictions

- Most businesses continue to operate with only nightclubs and banquet halls closed since September.
- Bars, restaurants, offices, and retail and other businesses all remain open although they each have specific rules they need to follow in order to serve the public that have been in place since June and have been revised or supplemented from time to time
- Employers must:
 - Review and redouble their efforts on their COVID-19 Safety Plan,
 - Remind employees to monitor themselves daily and to always stay home if they have symptoms.
 - Make every effort to provide work from home options.
 - Ensure that all workers and customers maintain appropriate physical distance and extra care should be taken in small office spaces, break rooms and kitchens
- Masks recommended in shared indoor workplace spaces, including elevators, kitchens, hallways, breakrooms

Screening requirements

- Daily screening of workers is required.
 - Screening questions should be based on current health guidance
 - No longer sufficient to post questions for workers or expect them to self-assess – must include direct employer involvement and the employer must record that the employees completed the screening for the given day
 - Does not appear necessary to keep record of the answers to the screening, only that the screening was completed and that the employee passed it prior to commencing work

The background features a solid orange color with several overlapping circles in various shades of yellow and light orange. The circles are positioned in the upper right and lower left areas, creating a modern, abstract design.

COVID-19 restrictions

Impacts on Alberta employers

December 8th restrictions

To last at least 4 weeks (around January 5th, 2021)

Effective immediately:

- All indoor and outdoor social gatherings are banned Province-wide
 - Close contacts are limited to household members only
 - People who live alone can have up to 2 close contacts
 - This includes in common spaces of indoor workplaces. Meetings are still allowed but in-person attendance will be limited to extent possible.
- Mandatory mask requirement in all public indoor spaces including workplaces Province-wide subject to limited exemptions

December 8th restrictions continued

To last at least 4 weeks (around January 5th, 2021)

Effective December 13th:

All Alberta employees are now legally required to work from home unless employer determines work requires physical presence for operational effectiveness.

December 8th restrictions continued

To last at least 4 weeks (around January 5th, 2021)

Effective December 13th:

- Businesses that were previously allowed to be open with reduced capacity levels will now be ordered closed:
 - Includes personal businesses offering personal and wellness services (hair salons, nail salons, tattoo parlours, and massage businesses, etc.)
 - Includes entertainment and recreational facilities (i.e. casinos, bingo halls, racing entertainment centres, bowling alleys, private clubs, art galleries, theatres, gyms, fitness and recreation centres, community halls, spa, pools, indoor rinks and arenas)

December 8th restrictions continued

To last at least 4 weeks (around January 5th, 2021)

Effective December 13th:

- Retail businesses, including shopping malls, must reduce capacity to 15% of the occupancy allowed under the fire code
 - The same restriction applies to places of worship
- Funerals and wedding ceremonies are limited to 10 people (no change)
- Dine-in services at restaurants, pubs, bars, lounges and cafes will be closed - only takeout, curbside pickup and delivery services permitted
- Regulated health services, social or protective services, shelters, emergency services and soup kitchens remain open
- Professional services (such as lawyers) can remain open by appointment only
- Hotels remain open but with restrictions

Protecting employees and customers

Businesses that remain open must take steps to protect employees and customers:

- understand the basic requirements of occupational health and safety (OHS) laws:
 - conduct a hazard assessment to identify existing and potential hazards related to COVID-19
 - screen employees and customers for symptoms
 - aid physical separation through barriers (Plexiglas), signage, floor markings and traffic flow controls to limit people in a space
 - practice good hygiene and thorough cleaning and disinfecting using Health Canada approved hard-surface disinfectants and hand sanitizers for use against COVID-19 (search products by DIN number)
 - use personal protective equipment (PPE) and wear it properly

Masks are mandatory now in all indoor workplaces throughout the Province

Enforcement

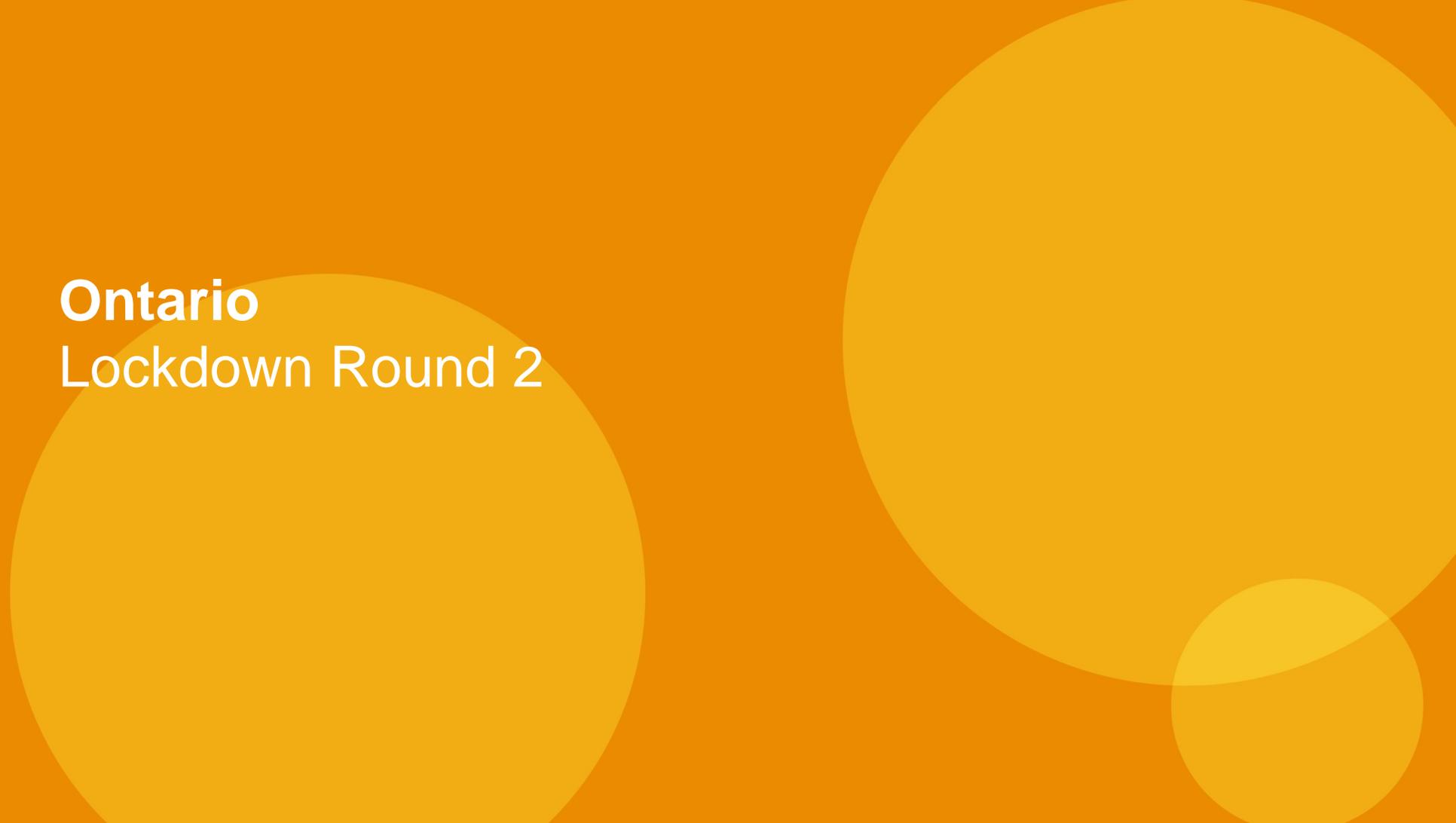
Businesses allowed to operate are subject to strict infection prevention and control measures, and will be carefully monitored for compliance with public health orders

- If Albertans are concerned that a business is not following public health orders, they can:
 - Remind the business owner or operator that not following public health orders is against the law and puts people at risk
 - Submit a complaint to AHS public health inspectors online or by phone
 - Complaints that require immediate responses can also be reported to local police

Enforcement

- Additional ~700 Peace Officers now authorized to issue fines as of November 27, pursuant to the Chief Medical Officer of Health's Orders issued under the *Public Health Act*

Violation of a public health order may lead to a \$1,000 fine. Additionally, you can be prosecuted for up to \$100,000 for a first offense.



Ontario

Lockdown Round 2

Regional approach

- No more declaration of emergency
- New law – *Reopening Ontario (A Flexible Response to COVID-19) Act*
- Restrictions are based on the Health Units

Five current stages of Ontario

- **Green/Prevent:** Least restrictions, highest risk settings are closed.
- **Yellow/Protect:** Enhanced targeted enforcement, public health measures in high risk settings
- **Orange/Restrict:** Enhanced measures, restrictions and enforcement avoiding any closures
- **Red/Control:** Broader scale measures across multiple sectors, most severe restrictions before closures
- **Grey/Lockdown:** Widescale measures and restrictions, including closures and possible declaration of emergency

Common Restrictions

- Mandatory Masks
 - Everyone must wear masks in indoor public places
 - Employees are exempt if:
 - In an area not accessible to the public; and
 - Maintain a 2m distance from everyone else
 - Employees must be given PPE if working with unmasked public
- Comply with Public Health Guidance
- Gathering/Capacity Restrictions
- Safety Plans and Screening

Red/Control

- Hamilton, Durham, Halton, Waterloo, Windsor-Essex, York
- Public Gathering Restrictions (5 inside, 25 outdoors)
- Maximum of 10 people dining indoors
- Must maintain 2m distance inside and in lines
- Certain Personal Care facilities must close
- Screening requirements
- Only essential travel (work, school, groceries)

Grey/Lockdown

- Toronto and Peel
- No public gatherings
- No in person dining, fitness facilities are closed
- All businesses, except listed businesses must close
 - Temporary access is allowed for limited purposes
- Nothing prevents businesses from operating remotely for delivering goods by mail or services remotely
- Schools, childcare remain open

Enforcement measures

- November 19, 2020 Inspection Blitz announced
 - Campaign of increased inspections and enforcement
- Most common issues identified are:
 - Improper mask use
 - Lack of screening
 - Improper sanitization

Guidance for the Holidays

- Guide issued for Celebrating Holidays Safely
 - Remote celebrations
 - Suggests outdoor and drive-through activities

Quebec

The background features a gradient from dark orange to light yellow. It is decorated with several overlapping circles of varying sizes and colors, ranging from bright yellow to light orange. The word "Quebec" is written in a bold, white, sans-serif font in the upper left quadrant.

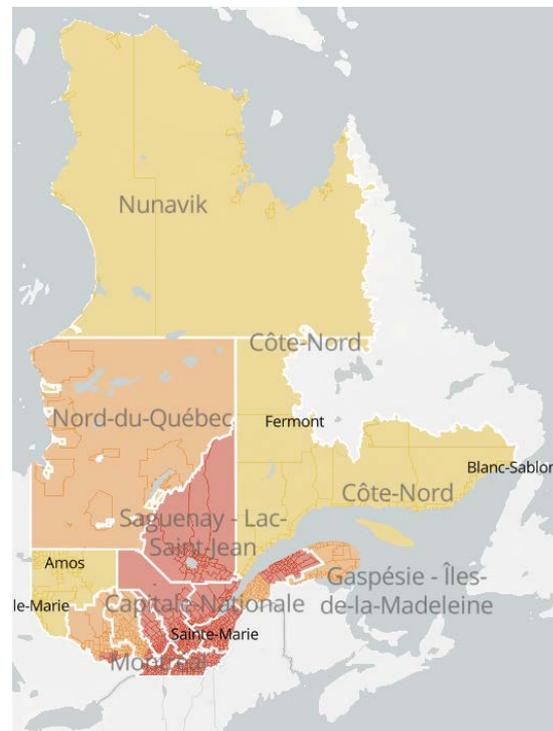
Progressive 4-Level Regional Alert and Intervention System

- This system has been in place since September 8, 2020;
- Health and safety measures are implemented regionally instead of provincially;



Progressive 4-Level Regional Alert – Current Situation

- No region at Level 1
- Greater Montreal Area is at Level 4 – Maximum Alert;
- The level are frequently reassessed



Measures in force - Level 4 – Maximum Alert (Red)

- Some sectors of activities are closed, including :
 - Restaurants (including good courts), except for deliveries, take-outs or drive-through orders;
 - Bars, discotheques, microbreweries, distilleries (for their services for consumption on the premises);
 - Casinos and gaming houses;
 - Museum, biodomes,
 - Arcades, amusement centres and parks as well as water parks;
 - Saunas and spas, except personal care provided therein;
 - Libraries other than those in educational institutions, except lending desks;
 - Movie theatres and rooms in which performing arts are presented, including venues where the arts are broadcast;
 - Youth hostels;
 - Gyms;
 - Any indoor place, other than a private residence or the equivalent, when it is used for the holding of an event-based or social activity

Measures in force - Level 4 – Maximum Alert (Red)

Prohibition to be present in a rented hall or a community hall

- Exception for activities that are part of the operation of an enterprise or associated with an educational institution, court or tribunal, arbitrator, association of employees, professionals, managerial staff, senior administrators or employers, a consular post, a diplomatic or departmental mission or a mission of a public agency.
 - In person arbitration, administrative hearing or trial remains possible, but are not recommended;
- Exception for activities of community organization whose activities are related to the health and social services sector;

Most organized recreational and sport activities in a public setting are suspended;

- Exception for activities carried out without supervision, alone or with another person, provided a distance of 2 metres is maintained between every person at all times (e.g. : tennis)
- Exception for physical education, sport-study and sport-concentration, provided that a minimum distance of 2 metres is maintained between students of different groups;
- Exception for recreational and sport training offered in college or university instruction programs.

Measures in force - Level 4 – Maximum Alert (Red)

- At home : Prohibited to have visitors from another address, subject to 4 exceptions
 - a single visitor from another address for single people
 - informal caregivers
 - people who are providing a service or support
 - labour for planned work
- Applies indoors and outdoors

Measures in force - Level 4 – Maximum Alert (Red)

- Instructions for the Holidays
 - Same rules continue to apply, no exception will be made
 - Private gatherings are prohibited
 - « Take some naps and read books »
 - Travel between regions are strongly not recommended

Measures in force – across Quebec

- In all other sectors / regions – very strong recommendations for teleworking
 - Maximum occupation rate of 25% is set for businesses whose premises are located in office buildings. (recommended since July)
 - Recently, all businesses have encouraged close / to have all their workers working from home, from December 17, 2020 to January 4, 2021
 - Implementation of health and safety measures (2 meters, physical barriers, surgical masks, screening workers and visitors)
 - CNESST inspectors are active

Measures in force – across Quebec

- Restriction on the number of customers admitted to commercial enterprises
 - In force since December 4, 2020
 - Applies to all retail stores, including groceries and drugstores
 - Maximum capacity is determined by dividing by 20 the surface area available to customers in square metres.
 - Employees are not included in the number of persons authorized.
 - 1 person per household recommended
 - Punishable by fines between \$1,000 and \$6,000.

Measures in force – across Quebec

- Face coverings
 - In force since July 18, 2020
 - Face covering should be wear in all « indoor public places »
 - Different rules applies to employees (surgical masks when 2 meters is not possible)
 - Exception : lobbies, reception areas and elevators
 - Offices are not considered as « indoor public places »
 - Punishable by fines between \$400 and \$6,000.

Questions?

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Thank you



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