

CLIENT ALERT

April 7, 2020

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PROVINCE RELEASES UPDATED LIST OF “ESSENTIAL” WORKPLACES, DIRECTING ADDITIONAL CLOSURES AND RESTRICTIONS DURING COVID-19 STATE OF EMERGENCY

by Chantal A. Cipriano

On April 3, 2020, the Government of Ontario announced that it would be ordering more workplaces to close or restrict their businesses as part of the extraordinary steps to limit the spread of COVID-19 in order to protect its employees and the public at large.

This updated list follows the government-mandated closures of non-essential businesses by way of an order effective 11:59 p.m. on Tuesday, March 24th. The previous emergency order was amended to further restrict the list of businesses deemed “essential,” directing additional businesses to close and restricting other specified businesses to provide services only by alternate methods such as curbside pick-up and delivery, except in exceptional circumstances.

The following businesses are no longer considered essential as of April 3, 2020 and are directed to close as of 11:59 p.m. on said date:

- Cannabis stores and cannabis producers (details in section below)
- Businesses that provide products and services that support research activities
- Professional services including engineers, accountants, and translators
- Non-urgent veterinary care
- Various construction activities (details in section below)

Stores that sell any of the following items and provide them to the customers may only do so through an alternative method of sale such as curbside pick-up or delivery, except in exceptional circumstances:

- Hardware products
- Vehicle parts and supplies
- Pet and animal supplies
- Office supplies and computer products including computer repair
- Safety supplies

CANNABIS INDUSTRY

Legal cannabis retail stores have been closed in order to help fight the spread of COVID-19. Cannabis is still available for purchase online at the Ontario Cannabis Store (OCS.ca).

Due to COVID-19 precautions, Canada Post has temporarily changed its delivery method. They will not be delivering parcels that require a signature or proof-of-age to the customer's door. Instead, Canada Post will leave a notice card directing customers to a nearby post office where they can pick up their items by showing proof of identity.

Three-Day delivery operated by Domain Express continues to operate as Direct-to-Door service, with the delivery window being between 9 a.m. and 10 p.m.

CONSTRUCTION INDUSTRY

Contrary to the previous Government of Ontario order, construction businesses are no longer included on the “List of Essential Workplaces.”

Permitted construction activities have been significantly reduced to include only the following:

- Construction projects and services associated with the health care sector, including new facilities, expansions, renovations, and conversion of spaces that could be repurposed for health care space.
- Construction projects and services required to ensure safe and reliable operations of, or to provide new capacity in, critical provincial infrastructure, including transit, transportation, energy and justice sectors beyond the day-to-day maintenance.
- Critical industrial construction activities required for:
 - » the maintenance and operations of petrochemical plants and refineries;
 - » significant industrial petrochemical projects where preliminary work has already commenced; or
 - » industrial construction and modifications to existing industrial structures limited solely to work necessary for the production, maintenance, and/or enhancement of Personal Protective Equipment, medical devices (such as ventilators), and other identified products directly related to combatting the COVID-19 pandemic.
- Residential construction projects where:
 - » a footing permit has been granted for single-family, semi-detached, and townhomes;
 - » an above-grade structural permit has been granted for condominiums, mixed-use, and other buildings; or
 - » the project involves renovations to residential properties and construction work was started before April 4, 2020.
- Construction and maintenance activities necessary to temporarily close construction sites that have paused or are not active and to ensure ongoing public safety.

For any questions relating to the closures, the province can contact the Stop the Spread Business Information Line at 1-888-444-3659. The information line is available from Monday to Sunday, 8:30 a.m. to 5:00 p.m. Please note, there are significant wait times to speak to a representative, and queries relating to whether your business is deemed essential will not be answered by a representative. Our Dickinson Wright team can assist you with making a determination as to whether your business is considered essential.

Please Note: These materials do not constitute legal advice. Government initiatives, announcements, and regulations in response to the COVID-19 situation continue to evolve and change frequently. As such, it is important to ensure you are aware of current information and that you consult with a lawyer before making your business decisions.

If you have any immediate questions or require further information, please reach out to your Dickinson Wright LLP lawyer or contact the dedicated Dickinson Wright LLP COVID-19 email at COVID19info@dickinsonwright.com.

ABOUT THE AUTHOR



Chantal A. Cipriano is an Associate in Dickinson Wright's Toronto office. She can be reached at 416.646.6864 or ccipriano@dickinsonwright.com.

Special thank you to our articling student **Carly J. Walter** for her contribution to this piece.

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