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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Updates to O. Reg. 82/20: Certain Businesses Allowed to
Open; Strict Health and Safety Guidelines**

DATE OF ISSUE:	May 3, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
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PRIORITY:	High

Further to All Chiefs Memo 20-0017, I am writing to advise you that the Ontario government is allowing certain places of business to reopen on Monday, May 4, 2020. When they reopen, they must they comply with strict public health measures, operate in accordance with all applicable law, and comply with other rules in O. Reg. 82/20 under the *Emergency Management and Civil Protection Act* (EMCPA) during the state of emergency.

On April 27, 2020 the government released [A Framework for Reopening our Province](#), which outlines guiding principles for the safe, gradual reopening of businesses, services and public spaces, and the criteria Ontario's Chief Medical Officer of Health and health experts are using to advise the government on the loosening of public health measures, including emergency orders.

The following businesses will be permitted to open their places of business on **Monday, May 4 at 12:01 a.m.:**

- Garden centres and plant nurseries with curbside pick-up and delivery or other alternative methods of sale only;
- Lawn care and landscaping;

- Construction projects and services that support the operations of, and provide new capacity in, schools, colleges, universities, municipal infrastructure and child care centres;
- Construction projects that started before April 4, 2020 that would provide additional capacity:
 - for businesses that provide logistical support, distribution services, warehousing, storage or shipping and delivery services, or
 - in the operation and delivery of information technology services or telecommunications services;
- Construction to prepare a site for an institutional, commercial, industrial or residential development, including any necessary excavation, grading, roads or utilities infrastructure;
- Automated and self-serve car washes;
- Businesses that sell motor vehicles, open by appointment only;
- Golf courses, only for the purpose of preparing their courses for the upcoming season, but not opening to the public; and
- Marinas, only for the purpose of repairing or servicing boats and other watercrafts, placing watercrafts in the water to be secured to a dock until the marina open to the public, and performing other services that may be required to:
 - enable individuals to access their primary place of residence,
 - support government operations or services, or
 - support the transportation of items by commercial barges.

Please note this list is in addition to those places of business already permitted to operate. For more information, please review [O. Reg. 82/20](#).

Health and Safety Association Guidance Documents for Workplaces During the COVID-19 Outbreak

In partnership with the Ministry of Labour, Training and Skills Development, health and safety associations have released a series of more than 60 technical sector guidance documents to further support employers and employees in remaining safe in the workplace during the COVID-19 outbreak (click on the link for specific sector guidance <https://news.ontario.ca/opo/en/2020/04/health-and-safety-association-guidance-documents-for-workplaces-during-the-covid-19-outbreak.html>). Please note that this includes a [health and safety guidance document for police services](#).

The Ministry of Labour, Training and Skills Development has also prepared guidance notes for five key economic sectors:

- [Construction](#)
- [Food processing](#)
- [Restaurant and food services](#)
- [Agriculture](#)
- [Manufacturing](#)

The person responsible for any place of business that is allowed to operate must ensure that the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and its regulations. They must also ensure the business operates in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

Note that this requirement applies to “the person responsible for a place of business”, not the people who happen to be in the place of business, whether employees or customers.

The Ministry of Health also released a [Guidance Document for Essential Workplaces](#), on preventative and other measures that essential workplaces can take to prevent the spread of COVID-19.

Enforcement of Emergency Orders under EMCPA

The Ministry of the Solicitor General is requesting chiefs of police to advise policing personnel to use their discretion, in a graduated manner, in enforcing orders under the EMCPA. Those authorized with EMCPA enforcement powers have the discretion to make an informed assessment of whether or not a particular business meets the criteria of an essential business that is authorized to stay open in accordance with O. Reg. 82/20.

Please note the ministry is not in a position to provide advice on whether a specific business falls under the categories listed above as this is a discretionary decision made by enforcement personnel based on their judgement, local context and the purpose of the emergency orders to contain the spread of COVID-19.

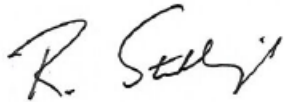
If you are concerned that a place of business permitted to operate under O. Reg. 82/20 is not following general public health and safety measures, policing personnel are encouraged to notify and consult with their local public health unit or the Ministry of Labour, Training and Skills Development (MLTSD). Questions related to occupational health and safety should be directed to MLTSD.

To support enforcement needs, the COVID-19 Enforcement Support Line has been established at **1-866-389-7638**. The line is only available to chiefs of police, policing personnel, and other enforcement personnel on their specific questions related to the enforcement of the emergency orders under the *Emergency Management and Civil Protection Act*. Assistance is available Monday to Sunday, from 8:00 a.m. EST – 9:00 p.m. EST.

To ensure the line can effectively respond to enforcement inquiries, I ask that you do not disclose information associated with the Support Line to the general public. Please note that members of the public **should not be directed to call government hotlines** to report alleged violations of emergency orders, including the emergency order mandating the closure of places of non-essential business. Such reports should be taken by police services for investigation, as appropriate.

Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division