

Ontario Announces Provincewide Shutdown: What Does This Mean for Employers?

December 23, 2020

By Daniel Wong, Sean Foran

On December 21, 2020, Ontario announced that it will move into a provincewide shutdown to stop the spread of COVID-19. The provincewide shutdown will go into effect as of Saturday, December 26, 2020, at 12:01 a.m.

The provincewide shutdown will remain in place in 27 public health units in southern Ontario until at least January 23, 2021. In northern Ontario, where there have been fewer cases of COVID-19, the provincewide shutdown will remain in place until at least January 9, 2021.

What is the “Grey Zone”?

Ontario’s COVID-19 response framework outlines five zones of progressive public health measures, with the Grey Zone being the most restrictive. According to Ontario Regulation 780/20, which will come into effect as of December 26, 2020, all public health units in Ontario will enter the Grey Zone.[\[1\]](#)

The Grey Zone refers to maximum public health measures—a lockdown, which involves the implementation of widescale measures and restrictions, including closures to halt or interrupt the transmission of COVID-19.[\[2\]](#)

All of Ontario goes into lockdown on Boxing Day

COVID-19 restriction levels



Source: CBC News[3]

What businesses are allowed to remain open?

According to Ontario Regulation 779/20, which will come into effect as of December 26, 2020,[4] restrictions include, but are not limited to:

Social Gatherings

- Indoor organized public events and social gatherings are restricted, except with members of the same household
- Individuals who live alone may consider having exclusive close contact with one other household

Retail

- In-person shopping in most retail settings is prohibited – curbside pickup and delivery is allowed
- Supermarkets, grocery stores and similar stores that primarily sell food, as well as pharmacies, will continue to operate at 50 per cent capacity for in-store shopping

Shopping Malls

- Discount and big box retailers will be limited to 25 per cent capacity for in-store shopping
- Indoor access to shopping malls is restricted – patrons may only go to a designated indoor pickup area (by appointment only), essential retail stores that are permitted to be open, or, subject to physical distancing and face covering requirements, to the food court for takeout purchases
- Shopping malls may also establish outdoor designated pickup areas

Appointment Only

- Safety supply stores
- Businesses that sell, rent or repair assistive/mobility/medical devices, aids and/or supplies
- Optical stores that sell prescription eyewear to the public
- Businesses that sell, repair or provide essential maintenance for motor vehicles
- Retail stores operated by a telecommunications provider or service and only for repairs or technical support

Restaurants and bars

- Indoor and outdoor dining is prohibited
- Restaurants, bars and other food or drink establishments will be permitted to operate by take out, drive-thru or delivery only

Liquor and beer stores

- Stores that sell liquor, including beer, wine and spirits will be limited to 25 per cent capacity for in-store sales

The government advises Ontarians to limit trips outside the home to necessities such as food, medication, medical appointments or

supporting vulnerable community members.

How have “essential businesses” changed?

Hardware stores and pet food stores will not be deemed essential under the new measures and must switch to curbside pickup and delivery.

Other considerations for employers

The Ontario government advises employers in all industries to make every effort to allow employees to work from home.

Employers for businesses or facilities that remain open are required to prepare and make available a safety plan. Employers must abide by the capacity limits for businesses or facilities open to the public:

- a) Members of the public must be able to maintain a physical distance of at least two metres from every other person in the business or facility; and
- b) The total number of persons in the business or facility at any one time does not exceed the capacity limit—generally 25 to 50 per cent capacity, depending on the total square metres of floor area accessible to the public.

Ontario has also extended the deemed COVID-19 Emergency Leave provisions under the Ontario *Employment Standards Act, 2000* (ESA) to July 3, 2021.[\[5\]](#) [Click here to read more.](#)

The New Ontario Small Business Support Grant

The government has also announced the new Ontario Small Business Support Grant, which will provide a one-time grant up to \$20,000 to eligible small business owners.[\[6\]](#)

Eligible small businesses include those that:

- Are required to close or significantly restrict services due to the provincewide shutdown effective as of December 26, 2020 at 12:01 a.m.;
- Have fewer than 100 employees at the enterprise level; and
- Have experienced a minimum of 20 per cent revenue decline in April 2020 compared to April 2019.

Further details, including how to apply for the Ontario Small Business Support Grant will be announced in January 2021.

WeirFoulds' employment law group is monitoring these developments and will be providing updates as the COVID-19 situation progresses. For more information on how to respond to COVID-19 in your workplace or organization, please contact [Daniel Wong](#) or [Sean Foran](#).

[\[1\]](#) O Reg 780/20, Schedule 1.

[\[2\]](#) <https://www.ontario.ca/page/covid-19-response-framework-keeping-ontario-safe-and-open>

[3] CBC News, "Ford orders lockdown for all of Ontario starting Boxing Day", *CBC News* (21 December 2020), online: <<https://www.cbc.ca/news/canada/toronto/covid-19-ontario-december-21-lockdown-orders-1.5849760>>

[4] O Reg 779/20.

[5] <https://www.weirfoulds.com/stop-the-clock-ontario-again-extends-the-deemed-covid-19-emergency-leave-and-introduces-flexibility-for-layoffs-in-unionized-workplaces>

[6] <https://news.ontario.ca/en/backgrounder/59788/post-4>

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.

For more information or inquiries:



Daniel Wong

Toronto
416.947.5042

Email:
dwong@weirfoulds.com

Daniel Wong is Chair of the Firm's Employment & Labour Practice Group with a practice that is focused on employment and labour relations.



Sean Foran

Toronto
416.947.5019

Email:
sforan@weirfoulds.com

Sean Foran is a leading expropriation lawyer, with extensive experience as counsel in large-scale infrastructure projects. Sean also practises real-estate, employment, business and government litigation.

WeirFouldsLLP

www.weirfoulds.com

Toronto Office

4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Tel: 416.365.1110
Fax: 416.365.1876

Oakville Office

1320 Cornwall Rd., Suite 201
Oakville, ON L6J 7W5

Tel: 416.365.1110
Fax: 905.829.2035