

COVID-19 UPDATE: Mandatory Closure of All Non-Essential Workplaces in Certain Provinces

Yesterday afternoon, in an effort to further contain the spread of COVID-19, the Ontario and Quebec governments have ordered the mandatory closure of all no-essential workplaces effective as of tonight, March 24, at 11:59 p.m. In Ontario, this closure will be in effect for 14 days, with a possible extension as the situation evolves. In Quebec, the closure will be in effect until April 13.

Both provinces have confirmed that businesses that can continue operations with employees working remotely or through other contingency measures should do so.

Ontario

The Government of Ontario released its [list of essential workplaces](#) that will be allowed to stay open last night. The list includes 19 categories, which are all further defined on the Government of Ontario's website:

1. Supply chains, i.e. businesses that supply other essential businesses or essential services with the support, supplies, systems or services necessary to operate;
2. Retail and wholesaling;
3. Food service and accommodation;
4. Institutional, residential, commercial and industrial maintenance;
5. Telecommunications and IT infrastructure/service providers;
6. Transportation;
7. Manufacturing and production;
8. Agriculture and food production;
9. Construction;
10. Financial activities;
11. Resources;
12. Environmental services;
13. Utilities and community services;
14. Communications industries;
15. Research;
16. Health care and seniors care and social services;
17. Justice sector;
18. Other businesses, including rental and leasing services, businesses providing mailing, shipping, courier and delivery services, and child care services for essential workers, and home child care services of less than six children; and
19. Business regulators and inspectors.

Ontario does not currently have a process to request an “essential workplace” designation, contrary to Quebec. Businesses should self-assess whether they fall within any of the categories above. A 1-800 number and a dedicated website will be made available tomorrow, March 25, for any inquiries.

Quebec

[last edited at 10:40 a.m. on 24 March 2020]

The Government of Quebec published its [list of essential services and activities](#) yesterday. The list was updated this morning.

Businesses which fall under any of the 11 categories provided are considered “essential” and are allowed to remain open:

1. Priority health care services;
2. Public security services;
3. Priority government services;
4. Maintenance and operation of strategic infrastructure;
5. Priority manufacturing activities;
6. Priority stores;
7. Media and telecommunications;
8. Banking and financial services;
9. Construction sector;
10. Building maintenance services; and
11. Priority transportation and logistics services.

If a business’ activity is not listed but the business believes that it is essential or that it is an entity that provides essential functions or services, any entity can request to be designated as essential by filling out this [form](#). This request process appears to be only for entities that do not clearly fall within the categories above.

British Columbia

[last updated on 28 March 2020]

On March 26, the Government of British Columbia issued its list of what the province considers to be “essential services”. Essential services in British Columbia “should and are encouraged to remain open” but must follow the [orders and guidance provided by the Provincial Health Officer \(PHO\)](#) to ensure safe operations and reduce the risk of transmission.

The list of essential services is composed of the following:

- Health and Health Services
- Law Enforcement, Public Safety, First Responders & Emergency Response Personnel
- Vulnerable Population Service Providers
- Critical Infrastructure Service Providers

- Food and Agriculture Service Providers
- Retail
- Transportation, Infrastructure & Manufacturing
- Sanitation
- Communication, Information Sharing and Information Technology (IT)
- Non-Health Essential Service Providers

The detailed list is available [online](#).

Contrary to Quebec and Ontario, non-essential services in British Columbia are permitted to remain open if they can adapt their services and workplace to the orders and recommendations of the PHO. That being said, some types of businesses such as bars have been ordered to close.

Over the past few weeks, our team at Tereposky & DeRose has expeditiously advised businesses on regulatory compliance in the current COVID-19 environment. Should you have any questions regarding this matter, we are at your disposal. Given the urgency of some measures for Canadian businesses, we will respond immediately to all queries regarding COVID-19 related concerns.

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