

FAQ

Ontario's Stay-At-Home Order

By Alessandro Perri

On January 14, 2021, Ontario's [Stay-at-Home Order](#)¹ came into effect. The Order has some confusion among the public and many of our clients have come to us with questions. This article is a summary of answers to some frequently asked questions about the Stay-at-Home Order.

Although we hope that this article is a helpful tool, it is not legal advice. If you have any questions about the Order, please consult with a lawyer at our firm.

1. The Order says I must stay at home except for essential reasons. What does that mean?

According to the Order, each individual must remain at his or her home at all times except when it is necessary to leave.

2. When is it considered necessary to leave my home?

Under the Order, it would be necessary to leave your home in these defined circumstances:

Category	Event
Work, school and childcare	<ol style="list-style-type: none">1. Working or volunteering where the nature of the work or volunteering requires the individual to leave their residence, including when the individual's employer has determined that the nature of the individual's work requires attendance at the workplace.2. Attending school or a post-secondary institution.3. Attending, obtaining or providing childcare.4. Receiving or providing training or educational services.

¹ O Reg 11/21: STAY-AT-HOME ORDER.

Category	Event
Obtaining goods and services	<p>5. Obtaining food, beverages and personal care items.</p> <p>6. Obtaining goods or services that are necessary for the health or safety of an individual, including health care services and medications.</p> <p>7. Obtaining goods, obtaining services, or performing such activities as are necessary for the safe operation, maintenance and sanitation of households, businesses, means of transportation or other places.</p> <p>8. Purchasing or picking up goods through an alternative method of sale, such as curbside pickup, from a business or place that is permitted to provide curbside pickup under the Stage 1 Order.</p> <p>9. Attending an appointment at a business or place that is permitted to be open by appointment under the Stage 1 Order.</p> <p>10. Obtaining services from a financial institution or cheque cashing service.</p> <p>11. Obtaining government services, social services and supports, mental health support services or addictions support services.</p>
Assisting others	<p>12. Delivering goods or providing care or other support or assistance to an individual who requires support or assistance, or receiving such support or assistance, including,</p> <ul style="list-style-type: none"> i. providing care for an individual in a congregate care setting, and ii. accompanying an individual who requires assistance leaving their residence for any purpose permitted under this Order. <p>13. Taking a child to the child's parent or guardian or to the parent or guardian's residence.</p> <p>14. Taking a member of the individual's household to any place the member of the household is permitted to go under this Order.</p>
Health, safety and legal purposes	<p>15. Doing anything that is necessary to respond to or avoid an imminent risk to the health or safety of an individual, including,</p> <ul style="list-style-type: none"> i. protecting oneself or others from domestic violence, ii. leaving or assisting someone in leaving unsafe living conditions, and iii. seeking emergency assistance. <p>16. Exercising, including,</p> <ul style="list-style-type: none"> i. walking or moving around outdoors using an assistive mobility device, or ii. using an outdoor recreational amenity that is permitted to be open under the Stage 1 Order. <p>17. Attending a place as required by law or in relation to the administration of justice.</p>

Category	Event
	18. Exercising an Aboriginal or treaty right as recognized and affirmed by section 35 of the Constitution Act, 1982.
Multiple residences and moving	19. Travelling to another residence of the individual if, <ul style="list-style-type: none"> i. the individual intends to be at the residence for less than 24 hours and is attending for one of the purposes set out in this order; or ii. the individual intends to reside at the residence for at least 14 days. 20. Travelling between the homes of parents, guardians or caregivers, if the individual is under their care. 21. Making arrangements to purchase or sell a residence or to begin or end a residential lease. 22. Moving residences.
Travel	23. Travelling to an airport, bus station or train station for the purpose of travelling to a destination that is outside of the Province.
Gatherings	24. Attending a gathering for the purpose of a wedding, a funeral or a religious service, rite or ceremony that is permitted under the Stage 1 Order or making necessary arrangements for the purpose of such a gathering. 25. If the individual lives alone, gathering with the members of a single household.
Animals	26. Obtaining goods or services that are necessary for the health or safety of an animal, including obtaining veterinary services. 27. Obtaining animal food or supplies. 28. Doing anything that is necessary to respond to or avoid an imminent risk to the health or safety of an animal, including protecting an animal from suffering abuse. 29. Walking or otherwise exercising an animal.

The Ontario Government has stated that it is difficult to determine every event that is deemed necessary for all of Ontarians. So, in practice, please use your best judgment when deciding whether it is necessary to leave your home. In most cases, if you have to ask whether it is necessary, it likely is not.

3. What does this mean for my employees? Does the Order recommend that they “should” stay home?

Employees who can work from home must work from home. This is not a recommendation. It is a requirement that applies to every business, even those that are deemed essential.

The Government has also made this clear in its update to the Stage 1 Order, which defines the rules for regions in Ontario that are in the Grey Zone (or Stage 1). It states that “each person

responsible for a business or organization that is open **shall ensure that any person who performs work for the business or organization conducts their work remotely**, unless the nature of their work requires them to be on-site at the workplace.”²

4. My employees cannot work from home. What does this mean?

If your employees cannot work from home and your business is deemed essential, then your employees may be permitted to attend work.

But employers should remember that they have a duty to keep their employees safe and healthy in the workplace, including by (among other things):

- Screening employees for COVID-19 symptoms and ensuring they stay home if they exhibit symptoms;
- Maintaining two meters of physical distance between employees at work;
- Mandating that employees wear personal protective equipment, like masks, gloves, and eye protection;
- Cleaning and disinfecting equipment, washrooms, locker rooms, change rooms, showers, etc. regularly;
- Limiting capacity to your business and/or reducing operating hours, if applicable (see question #7 below for further details); and
- Having a COVID-19 safety plan (We discuss in detail COVID-19 return to work policies in this article [here](#)).

If you are concerned about the health and safety of your employees, please consult with us as soon as possible.

5. What if some of my employees can work from home and others cannot?

The same rules apply to businesses with a mixed workforce. For example, office workers and on-the-ground employees. Employees who can work from home must do so, and employees who cannot work from home may work on-site if the business is deemed essential and the employer abides by all workplace COVID-19 orders and guidelines.

6. How will the Ontario Government ensure that businesses are abiding by the Order?

The Ontario Government has authorized all provincial offences officers, including the Ontario Provincial Police, local police forces, bylaw officers, and provincial workplace inspectors to issue tickets to retail operators and companies who do not enforce requirements under provincial orders, including the Stay-at-Home Order. Those who do not abide by the Government’s orders may be subject to fines and/or prosecution.

² O Reg 82/20: RULES FOR AREAS IN STAGE 1, s 2.1(1).

7. Along with the Stay-at-Home Order, the Ontario Government implemented more restrictions on certain retailers. How is my retail store impacted?

There are new restrictions for retailers, but the restrictions depend on the type of retail store you operate. Below is a summary of the restrictions now in place on various retailers:

Restrictions				
Category of Retailer	Open in-person or for curbside pickup/delivery only?	2-meter physical distancing and masks required	Restrictions in Operating Hours	Occupancy Restrictions
Supermarkets, convenience stores, indoor farmer's markets and other stores that primarily sell food	In-person and curbside pick-up and delivery permitted.	Yes	None	50%
Pharmacies	In-person and curbside pick-up and delivery permitted.	Yes	None	50%
Discount retailers and big box stores that sell groceries	In-person and curbside pick-up and delivery permitted.	Yes	None	25%
Safety supply stores, businesses that sell, rent or repair assistive/mobility/medical devices, and optical stores that sell prescription eyewear to the public	In-person but by appointment only and curbside pick-up and delivery permitted.	Yes	7am to 8pm	50%
Stores that sell liquor, including beer, wine and spirits	In-person and curbside pick-up and delivery permitted.	Yes	9am to 8pm	25%
Cannabis retail stores operating under the authority of a retail store authorization issued under the Cannabis Licence Act, 2018	Only by curbside pick-up if the patron ordered the item before arriving at the business premises or by delivery.	Yes	7am to 8pm	N/A
Motor vehicle sales	In-person by appointment only	Yes	7am to 8pm	N/A

Restrictions				
Category of Retailer	Open in-person or for curbside pickup/delivery only?	2-meter physical distancing and masks required	Restrictions in Operating Hours	Occupancy Restrictions
	<p>Members of the public must not be permitted where products are neither sold nor displayed for sale.</p> <p>Subject to certain conditions related to test drives.</p>			
Shopping malls	<p>Closed for in-person retail, except for access to businesses or services which are permitted to be open (e.g. grocery store, pharmacy, dentist) and court and government services.</p> <p>Single designated location inside for order pick-up by patrons by appointment only.</p> <p>Any number of designated locations outside the shopping mall for curbside pick-up by patrons.</p>	Yes	7am to 8 pm, unless to provide access to grocery stores/ supermarkets, pharmacies, and healthcare providers that only have public entrances that face the interior of the mall	
General Retail (all other retail, including hardware stores, pet food, computer stores, etc.):	Only by curbside pick-up if the patron ordered the item before arriving at the business premises or by delivery.	Yes	7am to 8pm	

8. When does the Order end?

The Ontario Government has implemented the Order for at least 28 days, which means it is in effect until at least February 11, 2021. But the Government may choose to extend the Order beyond this date.

If you have questions about the Stay-at-Home Order and how it may affect you and/or your business, please contact Alessandro Perri at aperri@houserhenry.com or 416.860.8069.

About HHS

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