



## States of emergencies – guidance document

Differences between declaring a state of emergency and a state of public health emergency are complicated and are not uniform across the provinces. Most provinces are using information that is currently available to achieve emergency mitigation objectives.

Provinces are trying to find the balance between exercising the powers they need without appearing to overreact.

Ontario declared its state of emergency under its *Emergency Management and Civil Protection Act*. In Ontario, the *Health Protection and Promotion Act* doesn't have the same distinct 'public health emergency' option, which is likely why they declared their state of emergency under the *Emergency Management Act*. Choosing the Emergency Act likely allowed the province to more easily implement what they want to accomplish.

Alberta, P.E.I. and Québec invoked *public health emergencies* under their respective public health acts.

- In Alberta, the powers available under their *Public Health Act* are more limited and a subset of the wider powers of their *Emergency Management Act*.
- P.E.I.'s powers under the province's *Public Health Act* are much more focused on the provision of health care than the wider powers of their *Emergency Measures Act*.
- Québec's *Public Health Act* also provides powers more directly relevant to a communicable disease.

As of March 20, all provinces have declared some state of emergency:

BC: [State of Emergency](#)

AB: [Public Health Emergency](#)

SK: [State of Emergency](#)

MB: [State of Emergency](#)

ON: [State of Emergency](#)

PQ: [Public Health Emergency](#)

PEI: [Public Health Emergency](#)

NB: State of Emergency

NS: State of Emergency

NL: **Public** health emergency declaration

**Federal:** On March 22, Prime Minister Trudeau announced that the government is conducting an urgent review on the advisability of using Canada's *Emergencies Act*. The government is conducting

consultations with the provinces, as required by the Act. If the government proceeds with the imposition of the Act, it will require Parliamentary approval within seven days.

### **Emergency definitions**

**Public health emergency** gives the government the following powers:

- Acquire or use any real or personal property
- Authorize or require any qualified person to render aid of a type the person is qualified to provide
- Authorize the conscription of persons needed to meet an emergency
- Authorize the entry into any building or on any land, without warrant, by any person
- Provide for the distribution of essential health and medical supplies and provide, maintain and co-ordinate the delivery of health services.
- Province's chief medical health officer can impose or authorize the absence of any ill employees, or those who are caring for a family member ill with COVID-19.

Under most provincial Public Health Acts, employers cannot fire, restrict or otherwise discriminate against employees who must miss work due to the coronavirus. This also enables compensation for anyone whose personal property is damaged or destroyed due to the exercise of any government powers.

**Provincial state of emergency**, which is governed by a province's *Emergency Management Act*, would give government broader powers than under the public health emergencies regarding travel and price-fixing, including controlling movement, forcing people to evacuate an area, closing down public or private places, the requisition of property and the power to search properties without a warrant.

### **Federal Emergencies Act:**

The Act provides the government with extraordinary powers, including but not limited to:

- Prohibition of travel to, from or within any specified area, where necessary for the protection of the health or safety of individuals
- Evacuation of persons and the removal of personal property from any specified area and the making of arrangements for the adequate care and protection of the persons and property
- The requisition, use or disposition of property
- Authorization of or direction to any person, or any person of a class of persons, to render essential services of a type that that person, or a person of that class, is competent to provide and the provision of reasonable compensation in respect of services so rendered
- Regulation of the distribution and availability of essential goods, services and resources
- Authorization and making of emergency payments
- Establishment of emergency shelters and hospitals

### **Financial support**

Financial support for people and businesses is confirmed: approximately [1% of GDP range or up to \\$27 billion](#). Initially, the Department of Finance focused on using existing tax-based programs to get money out quickly because they involved no legislative or regulatory changes. However, these programs do not cover millions of people who are either non-tax filers or childless. They also do not cover people whose income was too high to qualify for significant help but who may become vulnerable suddenly.

Note: Contractors are not covered by Employment Insurance (EI), largely self-employed contractors. Increased access to the program and changes to benefits can't be done without legislative change. The government is now considering those, and the possible EI changes are part of the articulated reasons for recalling Parliament, an option to be announced by the PM. To deal with possible legislative changes to EI, the Prime Minister has directed the Government House Leader to consult with the opposition parties about a limited and urgent recall of Parliament. This would likely be accomplished through a small number of MPs in proportion to the party standings being designated to take part in a special sitting.

Canada and the U.S. announced border closures between the two countries for all non-essential travel.

For further questions please contact [Robert Loenhart](#) at the Canadian Propane Association.