



COVID-19

MAY 7, 2020

CPA working hard for you

To assist retailers with reopening their retail operations as provinces across Canada begin to open up, the CPA has created a new section in the [CPA Guide - Best Practices recommended during COVID-19](#) (V.3, May 4, 2020). **Measures for Reopening your Retail Operations**, located on page 10 of the guide, provides a number of appropriate public health measures that businesses can implement in their operations to prevent and reduce the spread of COVID-19 amongst employees and customers. The guide is also available on the [CPA website](#) under CPA Resources.

The CPA is regularly updating documents on the website. As such, it is recommended that you clear your cache before downloading any of the documents. To do so, please follow these steps:

1. Access your usual browser
2. Press simultaneously the “CTL”, “SHIFT” and “DELETE” keys
3. Select “Images and caches” then choose “Erase the data”

Federal

FEDERAL FINANCIAL AID

Government funding to the agriculture sector first step in the right direction

The propane industry is closely tied to Canada’s agriculture sector, influencing all aspects of farming operations. The CPA has continually supported this sector by fighting for an exemption of the fuel charge in farming operations and as well as collaborating with our industry partners during the CN strike and rail blockades. We are encouraged by the government’s recent announcement of \$252 million financial investment to the agri-food sector – it is a first step in the right direction. Read full details of the government’s investment [here](#).

All provinces

ESSENTIAL SERVICES

All Provinces – Re-opening Measures Overview by Temple Scott Associates

Provinces have begun reopening their economies across the country – click [here](#) for an overview of provincial schedules, created by Temple Scott Associates.

British Columbia

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British Columbia's re-opening plan

B.C. is the latest province to announce its [phased approach](#) to re-opening the economy. While the province never ordered non-essential businesses to close, it did order certain sectors to close such as bars and dine-in restaurants.

The government also stated that it plans to re-commit to its climate action plan during the economic recovery.

Phase 2, to begin May 19, includes:

- Small gatherings (5 people or fewer)
- More retail businesses to re-open (e.g. some pubs, hair salons, clothing stores, etc.). WorkplaceBC is developing industry-specific guidance for different sectors to bring back workers and customers.
- Legislature to resume sitting, with specific protocols to be implemented

Phase 3, to occur between June and September 2020, if infection rates continue to decline, will include more businesses re-opening – e.g. movie theatres, spas, and the film sector.

Phase 4 (full economic operations) will only occur “when the threat of COVID-19 has been significantly diminished through widespread vaccination, broad successful treatments, evidence of community immunity, or the equivalent”. No rock concerts, sporting events, and conventions will occur in B.C. until Phase 4.

B.C.'s Occupiers Liability Act and COVID-19: what business owners need to know

One of the most important obligations that business owners should be aware of is their duty to ensure the safety of their business premises, even during the on-going pandemic. Recently, the B.C. government released a ministerial order that provides important legal protections for certain businesses that continue to operate during the pandemic.

Occupiers Liability Act

In B.C., the *Occupiers Liability Act* (“OLA”) outlines the legal obligations that occupiers owe to persons visiting their premises.

Under the *OLA*, an occupier owes a legal duty to take “reasonable care” that persons are

“reasonably safe” while visiting the occupier’s premises.^[2] This duty applies to the (i) condition of the premises, (ii) activities on the premises, or (iii) the conduct of third parties on the premises.^[3]

How does the *Occupiers Liability Act* apply during the COVID-19 pandemic?

On April 22, 2020 the Provincial Government issued [Ministerial Order M120](#) (the “Order”), which limits certain legal liabilities related to COVID-19 for individuals or businesses that provide essential services during the pandemic. The Order grants essential service providers immunity from damages that result “directly or indirectly, from an individual being or likely being infected with or exposed to SARS-CoV-2 as a result of the person’s operating or providing an essential service”.

To qualify for the protections of the Order, a person must have been operating or providing the essential service in “accordance with all applicable emergency and public health guidance” or have reasonably believed that they were doing so.

Importantly, the protections of the Order do not apply to a person that is “grossly negligent” in operating or providing the essential service. All businesses should ensure they remain up-to-date on the latest public health guidelines issued regarding COVID-19 to ensure they meet their obligations under the Order and qualify for its protections. The Order will end on the date that the state of emergency declared by the Provincial Government is lifted.

Alberta

ESSENTIAL SERVICES

Norton Rose Fulbright: Legal update on AER clarifications for reporting requirements

The Alberta Energy Regulator (AER) recently provided important clarification on two ministerial orders that suspended a number of reporting requirements applicable to the oil and gas industry. Updates on Alberta Energy ministerial order 219/2020 and Alberta Environment and Parks ministerial order 17/2020 can be found [here](#) and [here](#), respectively. Read [the legal update](#) on the AER’s clarifications provided by [Norton Rose Fulbright](#).

Ontario

ESSENTIAL SERVICES

All emergency orders extended

On the advice of the Chief Medical Officer of Health, the Ontario government announced that it is extending all emergency orders that have been put in place to-date under the *Emergency Management and Civil Protection Act* until May 19, 2020. See full list [here](#).

Restrictions eased on retail stores and essential construction

The [Ontario government announced](#) that it is allowing all retail stores with a street entrance to provide curbside pickup and delivery, as well as in-store payment and purchases at garden centres, nurseries, hardware stores and safety supply stores.

As early as Friday, May 8 at 12:01 a.m., garden centres and nurseries will be able to open for in-store payment and purchases, operating under the same guidelines as grocery stores and pharmacies. Hardware stores and safety supply stores will be permitted to open for in-store payment and purchases as soon as 12:01 a.m. on Saturday, May 9. On Monday, May 11 at 12:01 a.m., retail stores with a street entrance can begin offering curbside pickup and delivery, in accordance with the Ministry of Health's Guidance Document for Essential Workplaces and occupational health and safety requirements.

In addition to easing restrictions on retail, the government is also expanding essential construction to allow below-grade multi-unit residential construction projects like apartments and condominiums to begin and existing above-grade projects to continue.

Businesses must follow public health measures and should review the [workplace safety guidelines](#), such as promoting physical distancing and frequent handwashing, sanitizing surfaces, installing physical barriers, staggering shifts, and using contactless payment options to stop the spread of COVID-19.

Québec

ESSENTIAL SERVICES

Québec postpones the reopening of retail businesses in the Metropolitan Community of Montreal

On May 4, 2020, the [Government of Québec announced](#) that the reopening of retail businesses with direct access to the outdoors in the [Montreal Metropolitan Community \(CMM\)](#) will now be postponed until May 18 (initially scheduled for May 11). In addition, the government has specified on its [site](#) that only shops with an exterior entrance usually used by customers are authorized to reopen, with the exception of direct exterior access.

Retail businesses and businesses in the CMM retail supply chain

The CMM is made up of the Island of Montreal, Laval and the North and South Rives of Montreal.

The announcement of the postponement was made the same day that retail stores with direct access outside of Greater Montreal (as well as companies in their supply chain if they are located outside the territory of the CMM) were allowed to reopen. As mentioned before, the ability to maintain the current reopening schedule depends on the progression of the virus and the ability of the health system to cope with it. The delay was caused by congestion in Montreal hospitals. Other delays are possible.

Direct access to the outside

Government site now clearly states that retailers cannot use anything other than regular customer entry (for example, employee entry, shipping / receiving door or other service entry) as a means of 'opening their stores in May. Access to retail businesses through an indoor common

area is prohibited. Many mall retailers therefore cannot open on May 4 or May 18, as the case may be.

Nova Scotia

ESSENTIAL SERVICES

Nova Scotia's re-opening plan

[Nova Scotia's phased re-opening plan](#) includes the following measures:

- provincial and municipal parks can reopen, but playground equipment will continue to be off limits
- trails are allowed to open
- people are allowed to use and visit community gardens
- garden centres, nurseries and similar businesses can open
- sportfishing is permitted from shore or boat, but fishing derbies are not allowed
- people can attend boating, yacht or sailing clubs for the purpose of preparing boats for use
- golf driving ranges can open, including those at golf clubs, but the course must remain closed; golf clubs can perform necessary maintenance and preparations for opening
- people can use their cottages. Use is restricted to one household unit at a time, travel must be directly to the cottage and back, and travelling back and forth frequently from cottage and primary residence is discouraged
- provincial and private campgrounds remain closed, but they can perform necessary maintenance and preparations for opening. An exception is recreational vehicles parked year-round at private campgrounds, which can be used but must follow the same rules as cottages

A phased plan to further lift public health restrictions is under development. The timing of each phase will be guided by public health recommendations and scientific evidence.

New Brunswick

ESSENTIAL SERVICES

New Brunswick's re-opening plan

[The New Brunswick government announced its phased approach](#) to re-open the economy. As a first step, the following is allowed, effective April 24:

- Golf courses and driving ranges: If all physical distancing and safety measures are in place, golf courses and driving ranges can now open.
- Recreational fishing and hunting: The delay on springs seasons has been lifted.
- Outdoor spaces: With physical distancing, people can enjoy the outdoors including parks and beaches.

- Carpooling: Co-workers or neighbours can carpool if physical distancing measures are maintained by transporting the passenger in the backseat.

A guidance document of the public health measures during the recovery phases is being developed and will be available soon.

Large gatherings, events and concerts prohibited

Large gatherings such as festivals and concerts are prohibited through Dec. 31, 2020, subject to change.

Keep informed with up-to-date information by visiting our [COVID-19 website](#).