



## Update on Ontario's State of Emergency

This post is current to March 24, 2020.

At a [press conference yesterday](#), Premier Ford announced that he is making another order under Ontario's state of emergency legislation. (For background on the legislation and last weeks' orders, see [this blog post](#)).

The order closes all non-essential workplaces. Ontario has provided a [list of 74 essential businesses](#) that can keep their workplaces open, such as grocery stores and convenience stores, restaurants for take-out or delivery, gas stations, and pharmacies. Mining, forestry, oil and aggregate producers, construction projects, and environmental services providers can also continue to operate. The list also includes law firms.

Employees of non-essential businesses can still work from home or remotely.

The order will last for 14 days, but Premier Ford said that he is prepared to extend it for another 14 days. After that, it would have to be the legislature that extends the order.

### How Does the Order Apply to First Nations?

For the most part, the order applies to First Nations the same as the rest of Ontario. It applies even if a non-essential business is on-reserve, owned or employed by status Indians, or incorporated under federal legislation.

There are a few exceptions for businesses that the Constitution says are specifically under federal jurisdiction, such as banks, airports, and post offices. There is also an exception for Band-owned businesses doing work specifically authorized by the Indian Act or a First Nation bylaw. This could include businesses acting under the authority of a bylaw dealing with the COVID-19. For example, it would include a contracting company hired to build a testing site. However, these businesses would probably be on the list of essential businesses, so the order would not apply anyway.

To be clear, the order does not apply to Bands or any organizations that provide government services.

It can be tricky to determine whether a business falls under federal jurisdiction. If you have questions about what workplaces should and should not be closed, please contact us directly.