

List of Essential Workplaces for Construction Updated - Province Allows Certain Businesses to Reopen Under Strict Safety Guidelines

As a follow-up to Friday's information regarding the province's decision to allow certain businesses to reopen under strict safety guidelines, please note the List of Essential Workplaces has been updated. The new wording to the 'construction' section, 30.1, has been highlighted below and the entire list can be accessed here: <https://www.ontario.ca/page/list-essential-workplaces>.

Over the weekend, BILD and OHBA reached out to various provincial staff to clarify the interpretation of these new designations. In addition, OHBA, BILD and RESCON have asked Mr. Leo Longo of Aird & Berlis LLP to provide a legal opinion in an effort to provide industry members with guidance and clarity regarding the application of the revisions of the May 2nd Essential Workplace list, including the continuing construction of below grade foundations and whether a building can proceed if the permit is issued after April 4th. We hope to have that to the industry members within the next few days.

Members will be advised of this guidance provided by Mr. Longo's opinion upon receipt.

As always, please do not hesitate to contact me at 416-565-7326 if you have any questions or require further information.

Dave
BILD President & CEO

Construction

27. *Construction projects and services associated with the healthcare sector, including new facilities, expansions, renovations and conversion of spaces that could be repurposed for health care space.*

28. *Construction projects and services required to ensure safe and reliable operations of, or to provide new capacity in, critical provincial infrastructure, including transit, transportation, energy and justice sectors beyond the day-to-day maintenance.*

1. *Construction projects and services that support the operations of, and provide new capacity in, schools, colleges, universities, municipal infrastructure and child care centres within the meaning of the Child Care and Early Years Act, 2014.*

29. *Critical industrial construction activities required for,*

- i. *the maintenance and operations of petrochemical plants and refineries,*
- ii. *significant industrial petrochemical projects where preliminary work has already commenced,*
- iii. *industrial construction and modifications to existing industrial structures limited solely to work necessary for the production, maintenance, and/or enhancement of Personal Protective Equipment, medical devices (such as ventilators), and other identified products directly related to combatting the COVID-19 pandemic.*

29.

1. *Construction projects that are due to be completed before October 4, 2020 and that would provide additional capacity in the production, processing, manufacturing or distribution of food, beverages or agricultural products.*

2. *Construction projects that were started before April 4, 2020, and that would:*

- i. *provide additional capacity for businesses that provide logistical support, distribution services, warehousing, storage or shipping and delivery services, or*
- ii. *provide additional capacity in the operation and delivery of Information Technology (IT) services or telecommunications services.*

30. *Residential construction projects where,*

- i. *a footing permit has been granted for single family, semi-detached and townhomes*
- ii. *an above grade structural permit has been granted for condominiums, mixed use and other buildings, or*

iii. *the project involves renovations to residential properties and construction work was started before April 4, 2020.*

30.

1. *Construction to prepare a site for an institutional, commercial, industrial or residential development, including any necessary excavation, grading, roads or utilities infrastructure.*

31. *Construction and maintenance activities necessary to temporarily close construction sites that have paused or are not active and to ensure ongoing public safety.*