

## **Concrete Ontario COVID-19 Essential Business/Workplace Bulletin**

Concrete Ontario has obtain legal advice on compliance with current Government Essential/Workplace compliance.

The Closure of Places of Non-Essential Business Order (“the Order”), Ontario Regulation 82/20, as amended by Ontario Regulation 119/20, made under subsection 7.0.2(4) of the *Emergency Management and Civil Protection Act* (“the Act”) clearly mandates the closing of non-essential business in section 1 of the Order that states, “Beginning at 11:59 p.m. on Saturday, April 4, 2020, each person responsible for a place of business that is not listed in Schedule 2 shall ensure that the place of business is closed.”

Many of you have asked, are concrete producers suppliers responsible to determine if customers are essential or non-essential businesses? How do you protect yourself by not supplying to non-essential businesses?

The responsibility to determine if customers are essential or non-essential businesses is the requirement of the person responsible for that place of business. However, in order to ensure that companies are properly representing themselves and that companies avoid potential violations of the Order, due diligence protocols need to be put into place.

This would include a method or process that you are collecting, written, signed and dated affirmations from the person responsible for the business confirming the reasons why their business is essential. These affirmations would need to be reviewed and evaluated so that you are confident you are only supplying to essential businesses. These written affirmations must be retained in a permanent file.

For homeowners or persons requesting product for home projects, there are requirements in the Order outlining when a residence is an essential business. Proof such as a permit must be provided to confirm the legitimacy of the home project and to confirm that it was started before April 4, 2020.

If no documentation can be provided either by a business or a homeowner, it is very likely that they are a non-essential business and sale of product or services should be declined. Providing products and service to a non-essential business is a violation of the Order and charges may be laid.