

Message to Members Regarding Ontario Government Ruling on Essential Services

The principle which underlines the *Emergency Management and Civil Protection Act* is a simple one: **only essential workplaces shall operate.**

Based on this, here is a message approved by the OSSGA Board intended to provide guidance to members (recognizing that this does not constitute legal advice):

Question:

Are Aggregate Producers required to determine if customers are essential or non-essential?

Aggregate Suppliers

Aggregate production is an essential service as set out in Article 32 of the [List of Essential Workplaces](#) published by the Government of Ontario which came into effect on April 4, 2020:

32. Businesses that provide and ensure the domestic and global continuity of supply of resources, including mining, forestry, **aggregates**, petroleum, petroleum by-products and chemicals.

In the language, there is no specific requirement for an aggregate producer to make the determination as to whether projects or clients are themselves on the essential list or not.

However, in addition to the above, some members may wish to post a sign at their scale house with words such as this:

Drivers: By accepting this order you acknowledge that the material is destined for a job site that is deemed essential.

Contractors

Members who also operate as contractors have asked OSSGA for clarification as to whether they should accept a contract in situations where it isn't clear as to whether the job would be considered essential or not.

In these situations OSSGA suggests that contractors carefully examine the [List of Essential Workplaces](#).

If there is some uncertainty, and if that client continues with the project, it would be in the contractor's interest to seek indemnity from the client as a condition of supplying or working at the project.

Again it is worth repeating that the Government of Ontario has deemed that only essential workplaces operate.

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