

Know your rights: Staying safe when stopped by the police and COVID enforcement officers

The provincial government has given the power to police, by-law officers and special constables to enforce the current stay-at-home order.

The Workers Action Centre believes that the government should be providing paid sick days and other labour protections instead of increasing police powers during the pandemic. We want to make sure that those of us who have to go to work and cannot choose to stay at home know what our rights are if we are stopped by the police.

Tip #1

Before you leave your home, think of a good reason to answer if asked why you are not home. This includes getting exercise, groceries, or going to work or a doctor. One idea is to ask your employer for a letter confirming that you are working right now. If your employer will not give you one, contact us for advice.

Tip #2

If you are stopped, officers can question you. They can ask you to identify yourself. They may ask for your name, address and date of birth. They can ask you where you are going or if you are part of a public gathering. Your answers can be spoken verbally. You do not need to show proof such as an identity card or employment letter. But if you feel safer having, bring proof with you.

If you refuse to identify yourself and answer the officer's questions, you may be fined \$750. If the officer decides you have broken the stay-at-home order or are refusing to leave from a public gathering after being told, you may also be fined \$750.

Tip #3

You can ask what law the officer believes you are breaking. If you are not being charged with breaking any laws, you can ask "Am I being detained or am I free to go?" If you are not being detained, you may leave. Do not run away before questioning is over. It can be dangerous or lead to a ticket.

Tip #4

Please [contact us at the Workers' Action Centre](#) if you have been stopped and have been given a ticket. We can help you get some legal assistance. Stricter stay-at-home orders do not help frontline essential workers who cannot work from home. Instead, we believe fair labour laws such as paid sick days is a better tool to curb COVID-19.

For what reasons can I leave my home during the stay-at-home order?

Between Thursday April 8th 2021 until at least May 20th 2021, the Ontario government said you may only leave your home for [29 essential reasons](#).¹ These include:

- Going to work (only if it cannot be done from home)
- Going to school or childcare
- Leaving for health reasons such as for medication, exercise or leaving domestic violence
- Purchasing groceries and personal care items
- Attending specific gatherings are allowed by law such as weddings, funerals or religious services.

Can I be randomly stopped by an officer? What reasons can I be stopped?

No, officers cannot stop you randomly on the street. They can only stop you for 2 reasons:²

1. If there is “reasonable and probable grounds” you are breaking the stay-at-home order,
2. If there is “reason to suspect” that you are participating in a prohibited outdoor gathering,

What can the officer ask me?

- You can be asked to provide your name, address and date of birth.
- You can be asked why you are outside your home and whether you are part of an outdoor gathering.

What can happen if I break the stay-at-home order?

- You may be fined \$750 for breaking the stay-home order.
- You may be fined \$750 for refusing to identify yourself or not dispersing from a public gathering.
- You may be fined \$1000 for stopping others from complying with the order, or obstructing an officer.

What should I do if I am worried about being detained by an officer?

- Before you leave your home, think of a good reason to answer if asked.
- You do not need to show physical proof to the officers. But if you feel safer having, bring proof with you such as an identity card or employment letter.
- You have the right to ask what law they believe you are breaking. If you are not being charged with breaking anything, you can ask “Am I being detained or am I free to go?” If you are not being detained, you may leave. Do not run away or leave before questioning is over. It can lead to more charges.
- Please contact us at the [Workers' Action Centre](#) if you have been stopped and have been given a ticket. We can help you get some legal assistance.

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¹ O. Reg. 265/21: Stay-at-home Order April 7, 2021. <https://www.ontario.ca/laws/regulation/r21265>

² O. Reg. 8/21 Enforcement of COVID-19 Measures April 17th 2021. <https://www.ontario.ca/laws/regulation/210008>

Essential Reasons to leave home during the Stay-at-home order³

1. Working or volunteering where you need to leave their residence.
2. Attending school or a post-secondary institution.
3. Attending, obtaining or providing child care.
4. Receiving or providing training or educational services.
5. Obtaining food, beverages and personal care items.
6. Obtaining goods or services that are necessary for the health or safety of an individual, including vaccinations, other health care services and medications.
7. Obtaining goods, obtaining services, or performing such activities as are necessary for landscaping, gardening and the safe operation, maintenance and sanitation of households, businesses, means of transportation or other places.
8. Purchasing or picking up goods through an alternative method of sale, such as curbside pickup, from a business or place that is permitted to provide the alternative method of sale.
9. Attending an appointment at a business that is permitted to be open by appointment only.
10. Obtaining services from a financial institution or cheque cashing service.
11. Obtaining government services, social services, mental health or addictions support services.
12. Delivering goods or providing care or other support or assistance to an individual who requires support or assistance, or receiving such support or assistance.
13. Taking a child to the child's parent or guardian or to the parent or guardian's residence.
14. Taking a member of your household to any place the member is permitted to go under this Order.
15. Doing anything that is necessary to avoid an imminent risk to the health or safety
16. Exercising
17. Attending a place as required by law or in relation to the administration of justice.
18. Exercising an Aboriginal or treaty right as recognized by section 35 of the Constitution Act, 1982.
19. Travelling to another residence of the individual
20. Travelling between the homes of parents, guardians or caregivers, if the individual is under their care.
21. Making arrangements to purchase or sell a residence or to begin or end a residential lease.
22. Moving residences.
23. Travelling to an airport, bus or train station for the purpose of travelling to a destination that is outside of the Province.
24. Attending a gathering for the purpose of a wedding, a funeral or a religious service, rite or ceremony that is permitted by law or making necessary arrangements for the purpose of such a gathering.
25. If the individual lives alone, gathering with the members of a single household.
26. Obtaining goods or services that are necessary for the health or safety of an animal.
27. Obtaining animal food or supplies.
28. Doing anything that is necessary to respond to an imminent risk to the health or safety of an animal.
29. Walking or exercising an animal.

³ O. Reg. 265/21: Stay-at-home Order April 7, 2021. <https://www.ontario.ca/laws/regulation/r21265>