

Online Table 8.1: Definitions of Emergency in Legislation

Province	Distinction between		Type of Injury Triggering Emergency	“Health Emergency” under Public Health Laws
	Disaster	Emergency		
Alberta <sup>1</sup>	×	×	Harm to safety, health or welfare or damage to property	Illness, a health condition, an epidemic or pandemic disease, a novel or highly infectious agent or biological toxin, or the presence of a chemical agent or radioactive material that poses a significant risk to the public health. <sup>2</sup>
British Columbia <sup>3</sup>	×	×	Harm to health, safety or welfare of people, or damage to property	Action is immediately necessary to protect public health from significant harm, subject to further qualifiers. <sup>4</sup>
Manitoba <sup>5</sup>	×	×	Loss or life, harm or damage to safety, health, welfare or people, damage to property or the environment	Serious and immediate threat to public health exists because of an epidemic or threatened epidemic of a communicable disease that cannot be prevented, reduced or eliminated without taking special measures. <sup>6</sup>
New Brunswick <sup>7</sup>	×	×	Harm to property, the environment or the health, safety or welfare of the civil population	“Public health emergency” is mentioned but not defined. <sup>8</sup>
Newfoundland <sup>9</sup>	×		A real or anticipated event or an unforeseen combination of circumstances which necessitates the immediate action or prompt co-ordination of action	Serious risk to the health of the population caused by a communicable disease, a health condition, a novel or highly infectious agent or biological substance, or the

1 [Emergency Management Act](#), RSA 2000, c E-6.8.

2 [Public Health Act](#), RSA 2000, c P-37, s 1.

3 [Emergency Program Act](#), RSBC 1996, c 111.

4 [Public Health Act](#), SBC 2008, c 28,

5 [Emergency Measures Act](#), CCSM c E80.

6 [Public Health Act](#), CCSM c P210, s 67.

7 [Emergency Measures Act](#), RSNB 2011, c 147.

8 [Public Health Act](#), SNB 1998, c P-22.4

9 [Emergency Services Act](#), SNL 2008, c E-9.1.

Province	Distinction between		Type of Injury Triggering Emergency	“Health Emergency” under Public Health Laws
	Disaster	Emergency		
				presence of a chemical agent or radioactive material. <sup>10</sup>
Nova Scotia <sup>11</sup>		×	Protection of property or the health, safety or welfare of the civil population	Imminent and serious threat to public health posed by a dangerous disease or health hazard. <sup>12</sup>
Nunavut <sup>13</sup>		×	Harm to health, safety or welfare of people, or damage to property	Serious risk to public health. <sup>14</sup>
Northwest Territories <sup>15</sup>		×	Harm to property, the environment or the health, safety or welfare of people	Health hazard or disease that presents a significant risk to the public health <sup>16</sup>
Ontario <sup>17</sup>		×	Danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise	N/A (although certain powers possessed by the Chief Medical Officer of Health in response to “a provincial, national or international public health event, a pandemic or an emergency with health impacts anywhere in Ontario”. <sup>18</sup>
Prince Edward Island <sup>19</sup>	×	×	Limit damage to property, or the health, safety or welfare of people	Health hazard or disease that presents a significant risk to the public health <sup>20</sup>

<sup>10</sup> [Public Health Protection and Promotion Act](#), SNL 2018, c P-37.3, s 2.

<sup>11</sup> [Emergency Management Act](#), SNS 1990, c. 8.

<sup>12</sup> [Health Protection Act](#), SNS 2004, c 4

<sup>13</sup> [Emergency Measures Act](#), SNu 2007, c 10.

<sup>14</sup> [Public Health Act](#), SNu 2016, c 13, s 3.

<sup>15</sup> [Emergency Management Act](#), SNWT 2018, c 17.

<sup>16</sup> [Public Health Act](#), SNWT 2007, c 17

<sup>17</sup> [Emergency Management Act and Civil Protection Act](#), RSO 1990, c E.9

<sup>18</sup> [Health Protection and Promotion Act](#), RSO 1990, c H.7.

<sup>19</sup> [Emergency Measures Act](#), RSPEI 1988, c E.6.1.

<sup>20</sup> [Public Health Act](#), RSPEI 1988, c P-30.1, s 1.

Province	Distinction between		Type of Injury Triggering Emergency	“Health Emergency” under Public Health Laws
	Disaster	Emergency		
Quebec <sup>21</sup>	× <sup>22</sup>		Serious harm to persons or substantial damage to property and requiring unusual action on the part of the affected community, such as a flood, earthquake, ground movement, explosion, toxic emission or pandemic	Serious threat to the health of the population <sup>23</sup>
Saskatchewan <sup>24</sup>		× <sup>25</sup>	Loss of life or harm or damage to the safety, health or welfare of people; or damage to property or the environment.	“Public health emergency” is mentioned but not defined. <sup>26</sup> There is, however, the concept of epidemics posing “serious public health threat”.
Yukon <sup>27</sup>	×	× <sup>28</sup>	Injury or loss to persons or property.	“Public health emergency” includes a “communicable disease emergency”. A “communicable disease emergency” is a communicable disease that, considering information available about the infectivity rate, incidence, prevalence and virulence of the communicable disease, and any other relevant factors, presents a significant threat to public health in the Yukon <sup>29</sup>

<sup>21</sup> [Civil Protection Act](#), CALR c S-2.3.

<sup>22</sup> Distinguishes between major and minor disasters, with minor disasters affecting only a few people.

<sup>23</sup> [Public Health Act](#), CQLR c S-2.2, s 118.

<sup>24</sup> [Emergency Planning Act](#), SS 1989–90, c E-8.1.

<sup>25</sup> The Saskatchewan definition of emergency includes a list of calamities that in other statutes would be labelled disasters (or, in the federal *Emergencies Act*, public order, international or war emergencies), as well as a reference to a present or imminent situation or condition causing one of the enumerated harms.

<sup>26</sup> [Public Health Act](#), 1994, SS 1994, c P-37.1, s 66.

<sup>27</sup> [Civil Emergency Measures Act](#), RSY 2002, c 34.

<sup>28</sup> Yukon defines “emergency” as a “peacetime disaster” or “war emergency” and blends together both emergencies caused by natural disasters and political events.

<sup>29</sup> [Public Health and Safety Act](#), RSY 2002, c 176, s 1.

Online Table 8.2: Issuing Declaration of Provincial Emergencies under Emergencies Acts

Province	Issuing entity	Maximum Duration	Power of Renewal
Alberta	Lt Governor-in-Council (LGC)	28 days (and 90 days for “pandemic influenza”)	May be continued by legislative resolution
British Columbia	LGC	14 days	May be continued by the LGC for additional periods of 14 days
Manitoba	Minister	30 days	May be continued by the LGC for additional periods of 30 days
New Brunswick	Minister	14 days	May be continued by the minister, with approval of the LGC, for additional periods of 14 days
Newfoundland	LGC (for provincial emergency)	Until terminated	
Nova Scotia	Minister	14 days	May be continued by the minister, with approval of the LGC, for additional periods of 14 days
Nunavut	Minister	14 days	May be continued by the minister
Northwest Territories	Minister	14 days	May be continued by the minister
Ontario	LCG or (in urgent circumstances) Premier	An order from the premier terminated in 72 hours unless confirmed by the LGC; a declaration from the LGC terminates in 14 days	May be continued by the LGC for one additional period of 14 days, and then again by the legislature for an additional period of up to 28 days. Legislature may disallow the declaration of emergency, or its extension.
Prince Edward Island	Minister	14 days	May be continued by the minister, with approval of the LGC
Québec	Government. <sup>30</sup> (Where government cannot meet, minister may declare emergency for 48 hours)	10 days	May be continued by the government for an additional period of 10 days, or with the consent of the legislature, for a maximum period of up to 30 days
Saskatchewan	LGC	14 days	May be continued by the LGC for

<sup>30</sup> Under the *Interpretation Act*, CQLR c I-16, “Government” means “Lieutenant-Governor and the Conseil exécutif du Québec”.

Province	Issuing entity	Maximum Duration	Power of Renewal
			additional periods of 14 days
Yukon	Commissioner of Yukon in Executive Council	90 days	

Online Table 8.3: Issuing Declaration of Public Health Emergency under Public Health Acts

Province	Issuing entity	Maximum Duration	Power of Renewal
Alberta	LGC	60 days	May be continued by legislative resolution.
British Columbia	Provincial Officer of Health	When Provincial Officer of Health provides notice that an emergency has passed	
Manitoba	Chief Public Officer of Health		
New Brunswick	Not described		
Newfoundland	Minister	14 days	May be continued by the minister for additional periods of a maximum of 14 days
Nova Scotia	Minister	When Chief Medical Officer of Health provides notice that an emergency has passed	
Nunavut	Minister	14 days	May be continued by the minister for additional periods of a maximum of 14 days
Northwest Territories	Minister	14 days	May be continued by the minister for additional periods of a maximum of 14 days
Ontario	N/A		
Prince Edward Island	LGC	30 days	May be continued by the LGC
Québec	Government (Where government cannot meet, minister may declare emergency for 48 hours)	10 days	May be continued by the government for an additional period of 10 days, or with the consent of the legislature, for a maximum period of up to 30 days
Saskatchewan	For “serious public health threats” from epidemics, the		

Province	Issuing entity	Maximum Duration	Power of Renewal
	minister (or in exigent circumstances, the medical health officer, for 48 hours)		
Yukon	Chief Medical Officer of Health	Continued until terminated by the Commissioner in Executive Council.	

Online Table 8.4: Illustrative Powers during Emergency

Power	Alberta	BC	Manitoba	NB	Newfoundland	NS	Ontario	Nunavut	Northwest Territories	PEI	Quebec	Saskatchewan	Yukon
<i>Upon Emergency Declaration under Emergency Acts</i>													
Trigger emergency plan	x	x	x	x	x	x	x	x	x	x	x	x	
Use any real and/or personal property for emergency purposes	x	x	x	x	x	x		x	x	x		x	
Require (or authorize) any qualified person to render aid of a type the person is qualified to provide	x	x	x	x	x	x	x <sup>31</sup>	x	x	x	x	x	
Control or prohibit travel	x	x	x	x	x	x	x	x	x	x	x	x	x
Coordinate provision of essential goods and/or services	x	x	x	x	x	x	x	x	x	x	x	x	x
Order evacuation	x	x	x	x	x	x	x	x	x	x	x	x	
Authorize the entry into any building or on any land (generally without warrant)	x	x	x	x	x	x			x	x	x	x	
Closing any place							x	x		x	x		
Cause a demolition or removal of any trees, structures or crops (and in some	x	x	x	x	x	x		x	x	x	x	x	

<sup>31</sup> Ontario law allows authorization for these people to perform these functions, but not the power to require these services.

Power	Alberta	BC	Manitoba	NB	Newfoundland	NS	Ontario	Nunavut	Northwest Territories	PEI	Quebec	Saskatchewan	Yukon
cases structure or vehicles)													
Construct works to alleviate effects/Establishing shelters and hospitals		x					x	x			x		
Fix prices for food, clothing, fuel, equipment, medical supplies, or other essential supplies or services	x	x		x	x	x	x	x	x			x	
Order power and water to be shut off											x		
Disposing of waste							x						
Requiring disclosure of information							x						
Authorize the conscription of persons needed to meet an emergency	x			x	x	x		x	x	x		x	
Obtain resources necessary to respond/Expend sums necessary to pay expenses caused by emergency			x		x	x					x		
Assisting in law enforcement													x
Protecting property and health, safety and welfare of inhabitants													x
“Basket clause” permitting other measures							x		x		x	x	x
<i>Upon Declaration of Public Health Emergency under Public Health Acts, powers exercised by government or medical officer of health or regional health authorities.<sup>32</sup></i>													
Quarantine/contact-limitations/preventive measures <sup>33</sup>	x	x	x							x		x	x
Order decontamination	x	x											x

<sup>32</sup> Please note that these powers do not exhaust the powers available to health officials under these Acts. This chart simply notes the additional, special powers associated with the declaration of a public health emergency.

<sup>33</sup> NB: Medical officers often have quarantine powers even outside a public health emergency. We have only flagged instances where a public health emergency changes the nature or scope of those powers, or changes who may order quarantines. See the material that follows at the end of this chart.

<sup>34</sup> Chief Medical Officer of Health may issue special directives covering health hazards, infectious diseases, public health emergency preparedness and other prescribed matters, to coordinate responses to an immediate risk of, a provincial, national, or international public health event, a pandemic, or an emergency with health impacts anywhere in Ontario. [Health Protection and Promotion Act](#), RSO 1990, c H.7, s 77.9.

Power	Alberta	BC	Manitoba	NB	Newfoundland	NS	Ontario	Nunavut	Northwest Territories	PEI	Quebec	Saskatchewan	Yukon
Enter a place without warrant	x	x	x		x	x		x	x				
Order detention	x											x	x
Compulsory vaccination	x	x	x								x	x	
Closing places	x		x		x	x				x	x		
Use any real and/or personal property	x				x			x	x				
Procuring first rights to medical supplies and confiscating supplies						x							
Require (or authorize) any qualified person to render aid of a type the person is qualified to provide	x				x			x	x				
Authorize the conscription of persons	x												
Coordinate distribution of health and medical supplies	x				x			x	x				x
Order access to information	x	x									x	x	x
Control or prohibit travel					x	x		x	x		x	x	x
Order evacuation						x					x		
Construct works to alleviate effects/Establishing shelters and hospitals/Requisition a place			x	x		x				x	x	x	
Require or elicit assistance of other government bodies					x			x	x		x		
Incur such expenses as necessary											x		
Delay elections	x												
Issue directions to health care profession			x		x					x			
Modify standard procedures		x											
“Basket clause” permitting other measures	x				x	x		x			x		
<i>Regular powers of Medical Officers of Health (or other health officials) in response to communicable disease:</i>													



Power	Alberta	BC	Manitoba	NB	Newfoundland	NS	Ontario	Nunavut	Northwest Territories	PEI	Quebec	Saskatchewan	Yukon
Powers to order disclosures/obtain information	x	x	x	x	x	x	x	x	x	x	x	x	
Quarantine/contact-limitations/preventive measures	x	x	x	x	x	x	x	x	x	x	x	x	x <sup>35</sup>
Enter a place	x	x		x	x <sup>36</sup>	x <sup>37</sup>	x <sup>38</sup>	x <sup>39</sup>	x <sup>40</sup>	x <sup>41</sup>	x <sup>42</sup>	x <sup>43</sup>	x <sup>44</sup>
Closing places		x	x		x	x	x	x			x		
Order decontamination or destruction	x	x			x	x	x	x			x	x	x
Treatment orders	x	x	x	x	x	x	x	x		x		x	x
Detention, with court order, where refusal to comply with preventive measures			x	x	x	x	x	x <sup>45</sup>	x	x	x		
Detention, without court order, where refusal to comply with preventive measures	x <sup>46</sup>	x	x <sup>47</sup>	x <sup>48</sup>					x <sup>49</sup>		x <sup>50</sup>		x
“Basket clause” permitting other measures (eg, the list of powers is		x		x	x	x	x	x	x	x		x	

35 These powers are found in the [Communicable Diseases Regulations](#), YCO 1961/48.

36 Warrant required to enter dwelling house.

37 Warrant required to enter dwelling house.

38 Warrant required to enter dwelling house.

39 Warrant required to enter dwelling house.

40 Warrant required to enter dwelling house.

41 Warrant required to enter dwelling house.

42 Warrant required to enter dwelling house.

43 Warrant required to enter dwelling house.

44 Warrant required to enter dwelling house.

45 Warrant required to enter dwelling house.

46 The administrative certificate permitting detention may be appealed to a court.

47 In emergency circumstances, for 72 hours.

48 In exigent circumstances.

49 In emergency circumstances, for 72 hours.

50 Only for 72 hours, with longer periods requiring court order.

<b>Power</b>	<b>Yukon</b>	
	<b>Saskatchewan</b>	
	<b>Quebec</b>	
	<b>PEI</b>	
	<b>Northwest Territories</b>	
	<b>Nunavut</b>	
	<b>Ontario</b>	
	<b>NS</b>	
	<b>Newfoundland</b>	
	<b>NB</b>	
	<b>Manitoba</b>	
	<b>BC</b>	
	<b>Alberta</b>	
illustrative, but not exhaustive)		