

Authority: Planning and Transportation Committee Report 4, Clause 1,
as adopted by City of Toronto Council on June 27, 28 and 29, 2006
Enacted by Council: July 27, 2006

CITY OF TORONTO

BY-LAW No. 678-2006

To amend City of Toronto Municipal Code Chapter 545, Licensing and Chapter 441, Fees, respecting food handler certification.

WHEREAS section 150 of the *Municipal Act, 2001* grants municipalities the authority to license, regulate and govern any business wholly or partly carried on within the municipality for purposes of health and safety, consumer protection and/or nuisance control; and

WHEREAS food handler training and certification increases compliance with safe food handling practices and reduces food handling practices and behaviour which can cause, or increase the risk of, food borne illnesses; and

WHEREAS requiring trained and certified food handlers in premises that serve food and drink to the public will therefore help to protect consumers and protect and promote public health;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Subsection 545-5G of Toronto Municipal Code Chapter 545, Licensing is amended by adding the following definitions in alphabetical order:

ACCREDITED PROGRAM – A food handler training and certification program which has been accredited by the Medical Officer of Health as being equivalent to the Toronto Public Health Food Handler Certification Program.

CERTIFIED FOOD HANDLER – The holder of a valid food handler certificate.

FOOD HANDLER – Any person who works in an eating or drinking establishment and handles or comes in contact with food or drink during its preparation, processing, packaging, service or storage.

FOOD HANDLER CERTIFICATE – A certificate issued by the Medical Officer of Health certifying that the holder has successfully completed:

- (a) the Toronto Public Health Food Handler Certification Program;
- (b) a food handler training and certification program provided by a Board of Health established or continued under the *Health Protection and Promotion Act*; or
- (c) an accredited program.

PHOTO IDENTIFICATION CARD – A valid identification card integrated with a photograph of the holder of the card and issued by, or under the authority of, the Government of Canada, a Canadian province or territory, a Canadian municipality, or the Medical Officer of Health.

2. Subsection 545-5G is amended by adding the following:

(17) Food Handler Certification

- (a) Every owner or keeper of an eating or drinking establishment shall ensure that there is, at all times when the establishment is operating, at least one certified food handler working in a supervisory capacity in each area of the premises where food is prepared, processed, served, packaged or stored.
- (b) Notwithstanding § 545-5G(17)(a), every person licensed, or required to be licensed under this Chapter as a refreshment vehicle owner, operator, driver or assistant shall obtain a food handler certificate if such person:
 - (i) sells or handles refreshments; or
 - (ii) is working in a refreshment vehicle from which ice cream, ice cream cones, frozen desserts and other frozen confections are sold.
- (c) Every food handler working in a supervisory capacity for the purpose of § 545-5G(17)(a) and every person to whom § 545-5G(17)(b) applies shall produce for inspection his or her food handler certificate along with a photo identification card upon request by the Municipal Licensing and Standards Division or the Medical Officer of Health.
- (d) A food handler certificate is valid for five years.

(18) Accreditation of Training Programs

- (a) No food handling training and certification program shall be accredited, or continue to be accredited, unless the Medical Officer of Health is satisfied that the program is equivalent to the Toronto Public Health Food Handler Certification Program, having regard to:
 - (i) the standards contained in the Food Handler Training Protocol, Food Safety Program, in accordance with the Mandatory Health Programs and Services Guidelines, January 1, 1998, issued under the *Health Protection and Promotion Act, R.S.O. 1990, c. H. 7*, as amended or any successor thereto; and

- (ii) the examination criteria and standards contained in the report of the Food Safety Certification Task Force, Canadian Institute of Public Health Inspections, Ontario Branch, entitled “Food Safety Training and Certification, A Standard for Health Units/Departments in Ontario”.
 - (b) The accreditation of a food handling training and certification program may be terminated by the Medical Officer of Health if he or she is satisfied that the program has ceased to be equivalent to the Toronto Public Health Food Handler Certification Program or if he or she is satisfied that the provider has failed to comply with this section.
 - (c) Every provider of a food handler training and certification program seeking accreditation by the Medical Officer of Health shall:
 - (i) provide to the Medical Officer of Health such information as the Medical Officer of Health considers necessary to evaluate the program; and
 - (ii) pay the prescribed application fee for accreditation.
 - (d) Every provider of an accredited program shall provide to the Medical Officer of Health such information as the Medical Officer of Health considers necessary to monitor and audit the program.
 - (e) Without limiting the generality of § 545-5G(18)(c), every provider of an accredited program shall provide to the Medical Officer of Health copies of the examinations used in the program, such examinations to be provided twice annually upon the request of the Medical Officer of Health.
 - (f) Every provider of an accredited program shall, at the request of the individuals who have successfully completed the program and who wish to obtain a food handler certificate, provide the names of those individuals to the Medical Officer of Health.
 - (g) Unless sooner terminated by the Medical Officer of Health, the accreditation of a food handler training and certification program is valid for 5 years.
- 3.** Clause 545-38A(4) of Chapter 545, Licensing is deleted and replaced with the following:
- (4) Every person selling or handling refreshments shall wear clean clothes, be clean and neat in appearance, and shall have clean hands.

4. Subsection 545-39C of Chapter 545, Licensing is deleted and replaced with the following:
- C. Every driver of and assistant in and every owner and operator working in a refreshment vehicle to which this section relates shall be free of skin abrasions and communicable diseases of any sort, be clean and neat in appearance, have clean hands, and shall wear clean, light-coloured, washable outer clothing and head covering.
5. Clause 441-2B(9) of Chapter 441, Fees, is amended by deleting the phrase “for food handlers or”.
6. Section 441-2A of Chapter 441, Fees, is amended by adding the following definition in alphabetical order:
- ACCREDITED PROGRAM – A food handler training and certification program which has been accredited by the Medical Officer of Health as being equivalent to the Toronto Public Health Food Handler Certification Program
7. Section 441-2B of Chapter 441, Fees, is amended by adding the following subsections:
- (10) For each request for the Food Handler Training Course: \$40.00.
- (11) For each request for the Food Handler Certification Examination and Certificate: \$30.00.
- (12) For each request for a Replacement Food Handler Certificate: \$10.00.
- (13) For each request for a Food Handler Photo Identification Card: \$5.00.
- (14) For each request for a Food Handler Certificate by persons who have successfully completed an accredited program or who have successfully completed a food handler training program provided by a Board of Health established or continued under the *Health Protection and Promotion Act*: \$5.00.
- (15) For each request for accreditation of a food handler training and certification program: \$300.00
8. Section 7 of this By-law shall come into force on the date of enactment of this by-law and the remainder of this by-law shall come into force on September 1, 2006.

ENACTED AND PASSED this 27th day of July, A.D. 2006.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)