

Public Health
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Toronto, Ontario M5B 1W2

toronto.ca/health

C L A S S O R D E R

made pursuant to Section 22(5.0.1) of the Health Protection and Promotion Act

Date: March 3, 2021

TO: All persons who own or operate a workplace in the City of Toronto that is identified by Toronto Public Health as experiencing an active COVID-19 outbreak, with the exception of:

1. A licensed child care program that is in compliance with guidance issued by the Ministry of Education;
2. Health care providers and health care entities as defined in Section 77.7 of the Health Protection and Promotion Act who are subject to the Chief Medical Officer of Health's Directives issued thereunder;
3. Schools and school boards licensed under the Education Act; and,
4. Schools and private schools within the meaning of the Education Act, that are operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health.

I, Eileen de Villa, Medical Officer of Health for the City of Toronto Health Unit, order you to comply with the requirements listed below and to take and/or refrain from taking any and all actions necessary to ensure compliance, until you are cleared from active COVID-19 outbreak by Toronto Public Health:

General

1. Comply with all requirements that apply to your workplace as set out under applicable legislation including the Occupational Health and Safety Act, Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (the "ROA") and applicable regulations thereunder, as well as the requirements set out in this Order. Where this Order imposes an additional requirement not set out elsewhere in any applicable legislation, including any Letter of Instruction issued by the Medical Officer of Health of the City of Toronto Health Unit pursuant to the ROA, the requirement under this Order must be followed.
2. Follow any further instructions provided by Toronto Public Health relating to COVID-19 and the active COVID-19 outbreak at your workplace, including instructions to close all or any part of your workplace for a duration specified by Toronto Public Health.

Public Health Measures

3. Follow all Toronto Public Health instructions pertaining to COVID-19 testing for workers, and ensure that such instructions are communicated to workers as specified by Toronto

Public Health.

4. Ensure that any worker in the workplace wears a mask or face covering in a manner that covers their nose, mouth, and chin, in all areas indoors and at all times unless the worker:
 - (a) needs to temporarily remove their mask or face covering,
 - (i) to consume food or drink, or
 - (ii) as may be necessary for the purposes of health and safety;
 - (b) is in a correctional institution or in a custody and detention program for young persons in conflict with the law;
 - (c) is performing or rehearsing in a film or television production or in a concert, artistic event, theatrical performance or other performance;
 - (d) has a medical condition that inhibits their ability to wear a mask or face covering;
 - (e) is unable to put on or remove their mask or face covering without the assistance of another person;
 - (f) is being accommodated in accordance with the Accessibility for Ontarians with Disabilities Act, 2005; or
 - (g) is being reasonably accommodated in accordance with the Human Rights Code.
5. For workplace common areas (including washrooms, lunch rooms, staff kitchens and cafeterias, and change rooms, and not including areas in which persons regularly perform work):
 - (a) ensure that a minimum 2 meters physical distance between persons can be maintained;
 - (b) limit capacity in each room to 25% of maximum occupancy, determined by taking the total square metres of floor area, dividing that number by 16 and rounding the result down to the nearest whole number; and
 - (c) post signage at all entrances to the workplace common area, in a conspicuous location visible to workers, indicating the maximum number of people permitted in each area.
6. Post Toronto Public Health signage on [physical distancing](#), [mask wearing](#), and [hand washing](#) at all entrances to the workplace, in a conspicuous location visible to workers.
7. Prohibit all workers with COVID-19 symptoms, or who otherwise do not pass the screening requirements set out in the ROA and applicable regulations, from attending the workplace.
8. Provide contact information for a designated contact person at the workplace and ensure that person is readily available to communicate with Toronto Public Health 7 days per week, from 8:00am to 8:00pm, and can implement any additional measures immediately as required by Toronto Public Health.
9. Maintain a record of every worker who attends the workplace during the active COVID-19

outbreak. Retain these records for 30 days after the active COVID-19 outbreak is declared to be over by Toronto Public Health. The record must include a first name, last name, phone number and, if available, email address at which each worker can be reached. The record must be provided to Toronto Public Health immediately in support of case management and contact tracing requirements for COVID-19.

10. Comply with all instructions from Toronto Public Health, including infection prevention and control personnel. Such compliance shall include allowing entry into the workplace for inspection and to support enhanced infection prevention and control measures.

DEFINITIONS

The following definitions apply to this Order:

workplace: means any land, premises, location or thing at, upon, in or near which a worker works

worker: means any employee, independent contractor, manager, director, officer, owner, partner, shareholder, volunteer, student or any other person engaged in the business or organization's activity at the workplace

THE REASONS for this ORDER are that:

1. COVID-19 is a disease of public health significance and has been designated as communicable under Ontario Regulation 135/18 under the Health Protection and Promotion Act. COVID-19 has been declared a pandemic by the World Health Organization.
2. COVID-19 is present in the City of Toronto and therefore poses a risk to the health of the residents of Toronto through community transmission. The COVID-19 virus (SARS CoV-2) is spread from an infected person to another person by direct or indirect contact or when respiratory secretions from the infected person enter the eyes, nose or mouth of another person.
3. The risk of transmission of COVID-19 is greatest in close contact environments, including workplaces, where persons are within two metres and/or without face coverings and/or where there is poor ventilation. Persons may be infected with COVID-19 without showing symptoms, and may spread COVID-19 to coworkers and other persons within these facilities, their families, and others they come into contact with.
4. Mutations of the COVID-19 virus (SARS CoV-2) have been observed globally. Viruses, in particular RNA viruses such as coronaviruses, constantly evolve through mutations, and while most will not have a significant impact, some mutations may provide the virus with a select advantage such as increased transmissibility. Such mutations are cause for concern and need to be monitored closely. New COVID-19 variants of concern that are more transmissible are appearing in settings across Toronto and increasing as a share of confirmed cases. COVID-19 variants of concern have now been identified in long-term care homes, hospitals, schools, shelters and workplace outbreaks.

I am of the opinion, on reasonable and probable grounds that:

- a. a communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the health unit served by me;
- b. the communicable disease presents a risk to the health of persons in the health unit served by me; and
- c. the requirements specified in this Order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

I am also of the opinion that the delivery of notice of this Order to each and every member of the class is likely to cause a delay that could significantly increase the risk to the health of any person residing in the health unit, so notice shall be provided through the public media and the internet via posting on the City of Toronto public website: <https://www.toronto.ca/home/covid-19/covid-19-what-you-should-do/covid-19-orders-directives-by-laws/?accordion=class-order-for-workplaces-experiencing-a-covid-19-outbreak>.

NOTICE

TAKE NOTICE THAT each member of the class is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered to me and to the Health Services Appeal and Review Board, notice in writing, requesting a hearing within 15 days after publication of this Order. At the time of this Order, all requests for appeals and reviews, submissions, materials, and inquiries must be sent to the Health Services Appeal and Review Board by e-mail to hsarb@ontario.ca or faxed at 416-327-8524. See: <http://www.hsarb.on.ca/> for current information.

AND TAKE FURTHER NOTICE THAT although a hearing may be requested this Order takes effect when it is delivered to a member of the class or brought to the attention of a member of the class.

FAILURE to comply with this Order is an offence for which you may be liable, on conviction, to a fine of not more than \$5,000.00 (for an individual) or \$25,000 (for a corporation) for every day or part of each day on which the offence occurs or continues or, should a ticket be issued to you, to a fine in the amount of \$750.00.



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This Order shall be posted on the Toronto Public Health website:

<https://www.toronto.ca/home/covid-19/covid-19-what-you-should-do/covid-19-orders-directives-by-laws/?accordion=class-order-for-workplaces-experiencing-a-covid-19-outbreak>

Inquiries about this Order should be directed to the Toronto Public Health Hotline for COVID-19 at 416-338-7600.