

April 22, 2021

Questions and Answers

Section 22 Class Order to Close Workplaces with COVID-19 Outbreaks

Q1. What led to this Order being issued?

A1. The risk of transmission of COVID-19 can be high in workplaces where workers are in close proximity and may not be able to wear adequate personal protective equipment (PPE) consistently throughout the workday. With the emergence of variants of concern that are more easily spread between people, we have seen significant increases in the number of cases in Toronto, and in the number and size of workplace outbreaks.

This order has been issued to help stop the spread of COVID-19 in workplaces as quickly as possible. Closure of workplaces can prevent additional workers from becoming infected and taking COVID-19 home to their families and their communities.

Q2. Who does this Order apply to?

A2. This Order applies to anyone who owns or operates or occupies a workplace in the City of Toronto (with some exceptions, see Q3) and to workers at those workplaces.

Q3. What workplaces are exempt from the Order?

A3. The Order does not apply to the following workplaces:

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;
3. Schools and school boards licensed under the *Education Act*, and,
4. Schools and private schools within the meaning of the *Education Act*, 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.

These workplaces are exempt because they are required to follow other legislation and guidance related to COVID-19.

Q4. What workplaces are exempt from full closure?

The following workplaces may be exempt from the full closure requirements of the Order:

1. First responder emergency services such as Fire, Paramedics, Police and their communication services;
2. Shelters;
3. Critical infrastructure such as water/wastewater treatment facilities, utilities, telecommunications and information technology, transportation, energy;
4. Public-facing or other critical government services;
5. Services required to maintain the health of animals; and
6. Other workplaces as determined by Toronto Public Health for reasons of health, safety or otherwise where in the public interest.

Components of the Order would still apply to these workplaces. These workplaces may still be subject to dismissal limited to persons working on a specific shift or in a work area or team where, transmission has occurred. Toronto Public Health may implement other preventive measures through the Order.

Q5. How will the workplace know they are required to close?

- A5. Once Toronto Public Health is aware that there have been five or more confirmed or probable COVID-19 cases for individuals who have been at work within a 14 calendar-day period, Toronto Public Health will determine if a workplace requires partial or full closure, shift or team dismissal.

Those who are sent home may be required to isolate for a minimum of ten days.

After making its determination, Toronto Public Health will notify the owner, operator or occupier if they are required to partially or fully close a workplace, shift or team.

If Toronto Public Health requires the workplace to close in full, the owner, operator or occupier will be given signs to post at all entrances to the workplace premises indicating that the workplace is closed under order of the Medical Officer of Health.

Q6. What are the previous requirements issued that workplaces need to follow?

- A6. All workplaces in Toronto must continue to follow the direction of the Medical Officer of Health as set out in the [Letter of Instruction](#). The letter of instruction includes information about general prevention measures and supports for workers. The Letter of Instruction also includes the requirement for owners, operators and occupiers of workplaces to immediately notify Toronto Public Health, as soon as they become aware of two or more individuals who have attended the workplace and test positive for COVID-19 within a 14-day calendar period. Owners, operators,

and occupiers can notify Toronto Public Health of COVID-19 cases in their workplace through the [Workplace Reporting Tool](#).

All workplaces in Toronto that have been identified by Toronto Public Health as experiencing an active COVID-19 outbreak continue to be subject to the [Class Order for Workplaces experiencing a COVID-19 outbreak](#) issued March 03, 2021. This Order sets out required prevention measures and assistance on workplace outbreak investigations conducted by Toronto Public Health.

Q7. What are the new requirements that workplaces need to follow as a result of this Order?

A7. The new Class Order applies to workplaces that have had five or more COVID-19 cases within a 14-day period. When Toronto Public Health determines that significant action is required, the Order may also apply to workplaces with less than five COVID-19 cases. In these situations, Toronto Public Health may require:

- Full or partial workplace closure to immediately occur and continue for a minimum of 10 calendar days; **or**
- Shift or work area mass dismissal to immediately occur and continue for minimum period of 10 calendar days; **or**
- Other significant interventions necessary to reduce the risk of COVID-19 transmission at a specific workplace.

A new requirement is that the owner or operator or occupier shall notify Toronto Public Health via the online COVID-19 [Workplace Reporting Tool](#). The owner or operator or occupier should notify Toronto Public Health as soon as they become aware of five or more individuals who have attended the workplace and test positive for COVID-19 within a 14-day calendar period.

These requirements as well as recommended prevention measures are outlined in the [TPH Guidance for Employers, Workplaces, and Businesses](#).

Q8. If my workplace has five cases, will the workplace be notified to automatically close?

A8. If a Toronto Public Health investigating team determines through their professional assessment that there have been five or more confirmed or probable COVID-19 cases for individuals who have been at work within a 14 calendar-day period, Toronto Public Health will notify workplace of a partial or full workplace closure, shift or team dismissal.

Q9. How is the criteria of five or more cases applied? Is it per location, employer or shift?

A9. The criteria of five or more confirmed or probable COVID-19 cases for individuals who have attended a workplace within a 14-day calendar period applies to an entire workplace at a single location. Toronto Public Health will notify the owner or operator or occupier of the workplace whether closure will be required, and which workers will need to be sent home to isolate for a minimum of 10 days.

Q10. What if the source of infection is not the workplace?

A10. With high levels of community transmission of COVID-19, it is not unusual for workers to be exposed to COVID-19 outside of the workplace. For example, a worker might live with someone with COVID-19 in their household and then potentially expose their co-workers to infection. Any cases who may have reasonably acquired infection in the workplace OR transmitted infection to others in the workplace would be included in Toronto Public Health's outbreak assessment.

Q11. What requirements would the workers need to follow?

A11. All workers who are identified by Toronto Public Health as part of the closure or dismissal must self-isolate as follows:

- As outlined in the [Isolation Class Order](#); or
- for a minimum period of 10 calendar days if they are asymptomatic workers not covered by the Isolation Class Order

Q12. What requirements would owners/operators/occupiers need to follow?

A12. Owners, occupiers and operators of a workplace are required to follow all Toronto Public Health instructions pertaining to contact tracing and identifying workers who need to isolate, including ensuring that any instructions as specified by Toronto Public Health are communicated to workers.

If owners or operators or occupiers become aware of a case of COVID-19 in their workplace, they are encouraged to proactively identify any close contacts and notify them that they should isolate at home.

Q13. What will happen if a workplace is required to close?

A13. The closure allows Toronto Public Health to conduct its investigation and make specific recommendations on prevention measures. This also gives the owners, operators and occupiers the opportunity to ensure appropriate measures are in place prior to re-opening.

During closure, workplaces will be required as per the [Class Order](#) issued on March 3, 2021 to have a representative available seven days per week to communicate with Toronto Public Health and implement any required public health measures.

Q14. Will closed workplaces be disclosed publicly?

A14. Since January 4, 2021, Toronto Public Health has been posting online the names of workplaces in active outbreak that employ 20 or more people. This is to protect the personal health information and identities of workers with COVID-19 in small workplaces. The information will continue to be posted on online, updated weekly on Thursdays, and will include the workplace name, the number of COVID-19 cases related to the workplace, and the date the outbreak was declared. As outbreaks are declared over, workplaces will be removed from the list as per the weekly updates. Workplaces that require full closure must post a closure sign provided by Toronto Public Health at all entrances to the workplace.

Q14. Can someone legally challenge this class Order?

Q15. A class member can challenge the Order by appealing to the Health Services Appeal and Review Board, in writing, requesting a hearing within 15 days after publication of this Order or in accordance with applicable law. At this time, 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.

Q16. What is the end-date for the Order?

A16. This Order will no longer be effective when the Medical Officer of Health deems it is not needed to control the spread of COVID-19 in Toronto.