

Public Health
277 Victoria Street
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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: April 22, 2021

TO: All persons who own, operate, or occupy a workplace in the City of Toronto, 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.

AND TO: All workers at any workplace to which this Order applies.

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, effective **Friday, April 23, 2021 at 12:01am:**

General

1. This Order applies in addition to the [Class Order applying to workplaces issued on March 3, 2021](#) and the Class Order requiring isolation of certain individuals issued on November 6, 2020 ("[Isolation Class Order](#)"). Where a class member is subject to more than one provision under any Class Order issued by the Medical Officer of Health, the provision that is most restrictive applies.
2. Notice under this Order may be provided in any manner likely to come to the attention of an owner or operator or occupier of a workplace, or worker.

Workplace Closures

A. Owner/operator/occupier requirements

3. (a) In addition to notifying Toronto Public Health as soon as they become aware of two or more individuals who test positive for COVID-19 within a 14 calendar-day period in connection with their workplace as required by the Medical Officer of Health's [Letter of Instruction dated January 4, 2021 and revised February 11, 2021](#), the owner or operator or occupier shall notify Toronto Public Health via the online [COVID-19 Workplace Reporting Tool](#) as soon as they become aware of five or more individuals who test positive for COVID-19 within a 14 calendar-day period in connection with their workplace.
- (b) When there have been five or more confirmed or probable COVID-19 cases for individuals who have attended a workplace within a 14 calendar-day period, Toronto Public Health may, in its judgment, by notice require:
 - (i) full workplace closure to immediately occur and continue for a minimum period of 10 calendar days; or
 - (ii) partial workplace closure or shift or work area mass dismissal to immediately occur and continue for a minimum period of 10 calendar days; or
 - (iii) other significant interventions necessary to address circumstances at a specific workplace.
- (c) Based on evidence of transmission other than there having been five or more confirmed or probable COVID-19 cases for individuals who have attended a workplace within a 14 calendar-day period, Toronto Public Health may, in its judgment, by notice require:
 - (i) full workplace closure to immediately occur and continue for a minimum period of 10 calendar days; or
 - (ii) partial workplace closure or shift or work area mass dismissal to immediately occur and continue for a minimum period of 10 calendar days; or
 - (iii) other significant interventions necessary to address circumstances at a specific workplace.
- (d) The following workplaces may be exempt from the full closure requirements of this section:
 - (i) first responder emergency services such as Fire, Paramedics, Police and their communication services;
 - (ii) shelters;

- (iii) critical infrastructure such as water/wastewater treatment facilities, utilities, telecommunications and IT, transportation, energy;
 - (iv) public-facing or other critical government services;
 - (v) services required to maintain the health of animals; and
 - (vi) other workplaces as determined by Toronto Public Health for reasons of health, safety or otherwise where in the public interest.
4. Owners, operators and occupiers of a workplace that has been fully closed by notice under this Order shall post signage in a form provided by Toronto Public Health, in a conspicuous location at all entrances to the workplace, for the duration of the closure, indicating the workplace is closed.
 5. Despite the above, temporary access to a closed workplace is authorized, unless otherwise prohibited by any applicable law, for the purposes of:
 - (a) performing work at the workplace in order to comply with any applicable law;
 - (b) allowing for inspections, maintenance and repairs to be carried out at the workplace;
 - (c) allowing for security services to be provided at the workplace; and
 - (d) attending at the workplace temporarily,
 - (i) to deal with other critical matters relating to the closure of the workplace, if the critical matters cannot be attended to remotely; or
 - (ii) to access materials, goods or supplies that may be necessary for the business or organization to be operated remotely.
 6. None of the above precludes a business or organization from operating remotely, without workers or other individuals attending at the workplace referred to in this Order.
 7. Owners, operators and occupiers of a workplace shall 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.

B. Worker requirements

8. If a workplace closure, or shift or work area mass dismissal is required in accordance with Section 3, all workers who are identified by Toronto Public Health

or who are identified by an owner or operator or occupier of a workplace who is following Toronto Public Health instructions, must self-isolate as follows:

- (a) workers covered by the Isolation Class Order, as required by the Isolation Class Order;
- (b) asymptomatic workers not covered by the Isolation Class Order, for a minimum period of 10 calendar days.

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.

5. Given that case counts and workplace outbreaks continue to be at high levels and that the majority of the city of Toronto's cases are now as a result of variants of concern, which transmit faster, this Order will support Toronto Public Health's investigators to help workplaces immediately reduce the risk of spread and manage workplace outbreaks quickly.

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-to-close-workplaces-to-manage-covid-19-outbreaks>

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 or otherwise in accordance with applicable law. 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-to-close-workplaces-to-manage-covid-19-outbreaks>

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