

New Public Health Instructions Issued for Toronto Employers

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Due to the continued rise of COVID-19 infections in the City of Toronto, Dr. Eileen de Villa, Toronto's Medical Officer for Health issued a [Letter of Instruction](#) on January 4, 2021 requiring immediate additional measures to be taken by Toronto employers currently permitted to be open under the *Reopening Ontario Act* to curb the spread of COVID-19 in the city.

The Letter of Instruction is in addition to earlier [Guidance documents](#) from the City of Toronto, most recently revised on December 4, 2020.

Effective immediately, Toronto Public Health now requires all persons responsible for a business or organization in the City of Toronto to implement the additional measures in three main areas: *Notification*, *Infection Prevention Measures* and *Supports for Workers*. The Letter of Instruction sets these out as follows:

Immediate Notification to Toronto Public Health

1. Immediately notify Toronto Public Health as soon as an employer is aware of **two or more people** who test positive for COVID-19 within a 14-day interval in connection with the workplace's premises (see contact information on the Letter of Instruction).
2. If **two or more people** test positive for COVID-19 within a 14-day interval in connection with the workplace's premises, an employer must:
 - a. Provide contact information for a designated contact person at the workplace premise and ensure that person is readily available to communicate with Toronto Public Health and implement any additional measures immediately as required by Toronto Public Health.

- b. Ensure that accurate and updated contact information for all workers is available to be produced to Toronto Public Health within 24 hours of request in support of case management and contact tracing requirements for COVID-19.
- c. Notify the Ontario Ministry of Labour, Training, and Skills Development and/or other relevant government authorities.
- d. Cooperate with infection prevention and control personnel from Toronto Public Health including allowing entry into the workplace premise for inspection and to support enhanced infection prevention and control measures and recommendations.

Infection Prevention Measures

- 3. Ensure hand sanitizer (60-90% alcohol content recommended) and handwashing facilities are provided in work and rest areas.
- 4. Implement rigorous and frequent environmental cleaning in all high-touch areas and those areas accessible to the public.
- 5. Conduct or have the property owner or landlord conduct a regular review of heating, ventilation, and air conditioning (HVAC) systems to ensure they are functioning well.
- 6. Minimize instances of more than one individual in a vehicle for driving associated with work. If unavoidable, ensure face coverings are worn in the vehicle (medical masks preferably) and drive with the windows open.
- 7. Ensure that physical distancing of workers takes place by at least two (2) metres throughout the workplace and during eating and rest periods. Install one-way walkways to reduce close physical interactions.
- 8. Implement physical barriers (i.e. Plexiglas) when physical distancing is not possible.

Supports for Workers

- 9. In order to encourage forthright reporting of COVID-19 symptoms or contact among employees, employers are instructed to ensure that all employees are aware of income replacement and workplace-related benefits they are entitled to in the event the

employee has to isolate due to symptoms of COVID-19, being tested for COVID-19 or being a close contact of someone with COVID-19.

Relevant to the Letter of Instruction, “**employer**” means a person, company, or organization that employs people or has under its serve a person engaged in work, “**worker**” includes 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, and “**workplace**” is defined to mean any land, premises, location or thing at, upon, in or near which a worker works.

In addition, in its [News Release](#) on January 4, 2021 Toronto Public Health has indicated that it will begin to publish all workplace outbreaks on a weekly basis in the following categories determined by Public Health Ontario and based on the North American Industry Classification System:

- Bar, restaurant, nightclub and other entertainment venues
- Event venues, and religious facilities
- Noninstitutional medical health services including doctor’s offices, physiotherapy clinics, dental settings and wellness clinics
- Personal service settings including hair salons, tattoo parlours, nail salons and spas
- Recreational fitness facilities, group fitness classes, team sports and related events
- Retail settings including grocery stores, pharmacies and malls
- Farms
- Food processing plants
- Offices, warehouses, shipping and distribution, construction, and manufacturing settings
- Other workplaces and community settings not captured in these categories
- Unknown

Toronto Public Health’s disclosure of workplace outbreak information will occur where a public health risk exists as a result of:

- evidence of sustained transmission of COVID19 in the workplace;
- a significant proportion of staff have been involved in the outbreak;
- significant duration of the outbreak and the approximate time for second and third positive cases; and
- the workplace is large enough that risk of privacy concerns is mitigated.

With rates of infection noted by Toronto Public Health to be on the rise in Toronto as the impetus for the imposition of these additional measures, we will keep you updated on any further instructions or measures from Toronto Public Health as they become available.

For now, businesses operating in Toronto should ensure that they review the Letter of Instruction carefully to ensure compliance with its terms and to continue to follow the guidance provided from Toronto Public Health.

Toronto employers should carefully review these new measures as they may impact your operations. Should you require assistance or have any questions regarding the new measures, please contact our [Employment Law Group](#).

The information contained in this article is intended to provide information and comment, in a general fashion, about recent cases and related practice points of interest. The information and views expressed are not intended to provide legal advice. For specific legal advice, please contact us.