



# What's New in HR Law

## COVID-19: New Orders in Toronto and Peel to Combat the Spread of COVID-19

April 26, 2021

### Bottom Line

With the recent rise in COVID-19 cases in Ontario, the Region of Peel and the City of Toronto have issued new orders under Section 22 of the *Health Protection and Promotion Act* in an attempt to curb the rise in daily COVID-19 cases. Under the orders, businesses may be required by public health officials to close if the spread of COVID-19 is confirmed or probable in the workplace. Further to our [earlier update](#), the orders themselves have now been published. This update reviews the requirements and implications of each order.

### Region of Toronto Class Order

[Toronto's Medical Officer of Health](#) issued a [Class Order](#) allowing a shutdown order for workplaces that are experiencing an active COVID-19 outbreak, as identified by Toronto Public Health ("TPH"), with some exceptions (the "Toronto Order").

This update is for general discussion purposes and does not constitute legal advice or an opinion.

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Pursuant to the Toronto Order, owners, operators, or occupiers of a workplace must notify TPH if they become aware that five (5) or more individuals tested positive for COVID-19 within a 14-day period in connection with their workplace. This reporting requirement is in addition to the [existing requirement](#) to report two or more positive cases of COVID-19 within a 14-day period established by TPH in January 2021.

Where there have been five (5) or more confirmed or probable cases of COVID-19 in a workplace within a 14-day period, or where there is evidence of COVID-19 transmission in a workplace, TPH may order:

- the workplace to fully shut down for at least 10 days;
- the workplace to partially shut down for at least 10 days; or
- any other significant interventions necessary to address the circumstances at a specific workplace.

Workplaces required to close must post signage using a form provided by TPH. Information about workplace outbreaks and closures will continue to be made available to the general public on the City of Toronto's website.

If a workplace is ordered to close by TPH, all asymptomatic workers must self-isolate for a minimum of ten (10) days. Workers who are diagnosed with COVID-19, have signs or symptoms of COVID-19, have been tested for COVID-19 and are awaiting their test results, or have had close contact with a person who has been diagnosed with COVID-19 must self-isolate in accordance with TPH's existing [Isolation Class Order](#).

The Toronto Order does **not** apply to specific types of workplaces, including licensed childcare providers that are in compliance with guidance issued by the Ministry of Education, schools and school boards within the meaning of the *Education Act* that are operated in accordance with directions issued by the Ministry of Education, and health care providers and entities within the meaning of the *Health Protection and Promotion Act* who are subject to the Chief Medical Officer of Health's Directives thereunder.

The following workplaces **may** be exempt from the full closure requirements of the Toronto Order: first responder emergency services, shelters, critical infrastructure, public-facing or other critical government services, services requirement to maintain the health of animals, and any other workplaces as determined by TPH.

Workplaces closed by virtue of the order can be temporarily accessed to perform work for the purposes of: compliance with any law, inspections, maintenance, repairs, security, to deal with any critical matter that cannot be addressed remotely, or to access materials that are needed for remote work.

Businesses can continue to operate remotely notwithstanding a shutdown order.

The Toronto Order is effective beginning at 12:01 a.m. on April 23, 2021.

## **Region of Peel Class Order**

The Region of Peel [announced](#) a new [Class Order](#) replacing an earlier order issued on March 2, 2021 (the "Peel Order"). While much of the new Peel Order reiterates earlier COVID-19 control measures (including the obligation to notify Peel Public Health ("PPH") where there are two or more cases of COVID-19 in the workplace), PPH is given additional powers to order workplace shutdowns in specific circumstances.

During a period where the Region of Peel is:

- placed within the "Grey - Lockdown" zone pursuant to the Ontario COVID-19 response framework;
- the province of Ontario has enacted a shutdown under applicable legislation; or
- similar provisions to the above are enacted under any successor legislation,

PPH has the authority to order that a workplace fully or partially close for a ten (10) day period if:

- the workplace has five (5) or more confirmed COVID-19 cases within a 14-day period where the cases could have been acquired in the workplace, or if there is no other obvious source of infection identified outside of the workplace; or
- upon other notification by PPH.

In addition to workplace closures, PPH may impose other measures it deems necessary to address the specific circumstances within a workplace.

Workplaces required to close must post signage using a form provided by PPH. Information about workplace outbreaks and closures will continue to be made available to the general public on the Region of Peel's website.

Workers of workplaces ordered to shut down must self-isolate and cannot work in another workplace during their period of isolation. Symptomatic workers must self-isolate in accordance with the PPH's existing [Isolation Class Order](#), should be tested as soon as possible, and should inform their employer if they test positive for COVID-19. Asymptomatic workers must self-isolate for a period of ten (10) days or such period of time as the workplace is closed, and are encouraged to get tested.

Under the Peel Order certain workplaces are exempt from the full closure requirements. Exempted workplaces include schools and childcare, pharmacies, healthcare facilities (including vaccination clinics), shelters, first responder emergency services, government services, critical infrastructure, services required to main the health of animals, and any other workplaces as determined by PPH.

Notwithstanding a closure pursuant to the Peel Order, temporary access to a closed place of business will be authorized for the purposes of complying with a law, inspections, maintenance, repairs, security, to deal with any critical matter that cannot be addressed remotely, or to access materials that are needed for remote work.

Businesses can continue to operate remotely notwithstanding a shutdown order.

The Peel Order is effective beginning at 12:01 a.m. on April 23, 2021.

## Check the Box

In addition to the new Toronto Order and Peel Order, employers must continue to adhere to previous class orders in these regions, including but not limited to any letters of instruction issued by a municipality and any provincial instructions with respect to managing workplace transmission of COVID-19.

Further, all employers – those inside and outside of Toronto and Peel – should continue to regularly consult both local and provincial resources to ensure that they are operating in compliance with all applicable rules and recommendations in their specific areas.

## Need more information?

For more information about workplace management amidst the COVID-19 pandemic, please contact [Clifton Yiu](#) at 416.408.5501 or your regular lawyer at the firm.



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