



What's New in HR Law

COVID-19: New Public Health Instructions for Toronto Employers and Workplaces

January 11, 2021

Bottom Line

In light of the recent record number of COVID-19 cases in Toronto and Ontario, on January 4, 2021, the Toronto Municipal Government (the “City”) and Toronto Public Health (“TPH”) published a [Letter of Instruction to Workplaces](#). The Letter of Instruction imposes new COVID-19 obligations on Toronto employers, including increased infection prevention measures and reporting obligations.

Additionally, the City announced that it will be publishing its workplace outbreak data on its COVID-19 monitoring dashboard beginning on January 7, 2021.

Increased Infection Prevention Measures and Support for Workers

The Letter of Instruction requires employers to implement the following measures to combat COVID-19 in the workplace and support for its workers:

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

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1. Ensure hand sanitizer and hand-washing facilities are provided in work and rest areas.
2. Implement rigorous and frequent environmental cleaning in all high-touch areas and those areas accessible to the public, including washrooms, check-out counters, concession stands, and other high-touch surfaces, such as doorknobs and elevator buttons.
3. 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.
4. Minimize instances of more than one individual in a vehicle for driving associated with work. Face coverings are to be used if this is unavoidable.
5. Ensure that physical distancing of workers takes place by at least two (2) metres throughout the workplace and during eating and rest periods (e.g., lunchrooms, change rooms, washrooms).
6. Implement physical barriers, such as plexiglass, when physical distancing is not possible.
7. Ensure that all employees are aware of income replacement and workplace-related benefits they are entitled to if they need to isolate due to COVID-19 symptoms, being tested for COVID-19, or being in close contact of someone with COVID-19.

Important New Reporting Obligations

Toronto employers are now obligated to immediately **report and notify TPH** at 416-338-7600 as soon as they become aware of **two or more people** who test positive for COVID-19 within a 14-day period in connection with the workplace. If this occurs, employers must:

1. Provide contact information for a designated contact person at the workplace and ensure that person is available to communicate with TPH and implement any additional measures required by TPH.
2. Ensure that accurate and updated contact information for all workers is available to be produced to TPH within 24 hours of request in support of case management and contact tracing requirements for COVID-19.
3. Notify the Ontario Ministry of Labour, Training, and Skills Development and/or other relevant government authorities.
4. Cooperate with infection prevention and control personnel from TPH, including allowing entry into the workplace for inspection.

The Letter of Instruction applies broadly to all Toronto employers and workplaces. However, the following employers and workplaces are excluded:

- a licensed child care program that operates in compliance with guidance issued by the Ministry of Education;
- health care providers and 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;
- schools and school boards under the *Education Act*; and

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- 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.

Employers subject to the Letter of Instruction must comply with the Letter of Instruction pursuant to the [Reopening Ontario Act](#) and its regulations.

Publication of Workplace COVID-19 Outbreaks

The City further [announced](#) that it would be publishing TPH's findings with respect to current and historical workplace COVID-19 outbreaks.

Beginning on January 7, 2021, the City will publish all workplace outbreaks on a weekly basis organized into 11 different business sectors, including but not limited to entertainment venues such as restaurants, event venues such as religious facilities, and personal service settings such as hair salons. This data will be available on the City's [COVID-19 monitoring dashboard](#).

Additionally, TPH will disclose workplace outbreak information where a public health risk exists and when there is:

- evidence of sustained transmission of COVID-19 in the workplace;
- a significant proportion of staff have been involved in the outbreak;
- significant duration of the outbreak and the approximate time for a positive case to generate a second and third positive case, or cases; and
- the workplace is large enough that risk of privacy concerns are mitigated:

Check the Box

In addition to the new protocols within the Letter of Instruction, employers must continue to adhere to any provincial and municipal instructions and orders with respect to managing COVID-19 in the workplace. As such, all employers – those inside and outside of Toronto – should 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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