



The Regional  
Municipality  
of Durham

Health Department

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CANADA

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## CLASS ORDER

### made pursuant to Section 22(5.0.1) of the Health Protection and Promotion Act

**Date:** November 23, 2020

**Revised Date:** March 25, 2021

TO: All owners or occupiers of a workplace premises located in or present in the Regional Municipality of Durham where employees or the public are regularly present:

I, Dr. Robert Kyle, Medical Officer of Health for the Regional Municipality of Durham (the Region), pursuant to section 22(5.01) of the Health Protection and Promotion Act ("HPPA"), ORDER you to take the following actions, **effective 12:01 am on March 26, 2021:**

1. Immediately exclude from the workplace persons who:
  - a) are identified as having been diagnosed with COVID-19;
  - b) have the signs and symptoms of COVID-19, have been tested for COVID-19 and are awaiting the results of their test;
  - c) otherwise have reasonable grounds to believe they have symptoms of COVID-19; or
  - d) are a Close Contact of a person identified in (a), or (b) or (c)

and instruct them to contact the Durham Region Health Department (DRHD) at (905) 668-2020 or 1-800-841-2729.

2. Implement measures as outlined in the applicable provincial regulations, advice of the Chief Medical Officer of Health of Ontario, DRHD and/or sector-specific guidance documents.
3. Develop and implement a written safety plan and make it available on-site for viewing by employees and visitors. This safety plan must be posted in a conspicuous location. All employees must follow the safety plan. The safety plan must include provisions addressing the following:
  - a) Active screening of all employees and visitors
  - b) Self-isolation for employees, if they become ill while at work
  - c) Physical distancing and a procedure to address crowding inside and outside the workplace premises and ensure all employees maintain a distance of 2 metres (m) apart
  - d) Face coverings for employees and visitors, with limited exemptions
  - e) Cleaning and disinfecting of the workplace premises
  - f) Support of hand hygiene for employees and visitors, particularly handwashing and/or use of hand sanitizer, as applicable
  - g) Reminding employees and visitors about good respiratory (cough and sneeze) etiquette and to avoid touching their face

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 3324.

- h) Notification to DRHD of any employee either diagnosed with COVID-19 or identified as a high-risk contact to someone with COVID-19;
- 4. Ensure completion of active screening of symptoms and travel history using the provincial screening tool available for workers and employees at <https://covid-19.ontario.ca/screening/worker/> (or equivalent) prior to or upon entry to the workplace premises. Ensure exclusion of employees and visitors with symptoms of COVID-19 or travel history or those who fail the active screening tool;
- 5. Maintain a daily log of all persons (employees and visitors) who attend the workplace premises and make the log available, if requested by DHRD, for contact tracing purposes. The log should include first and last name and phone number of all employees and visitors in the workplace premises. This log is to be maintained for at least 30 days;
- 6. Ensure occupancy of the premises is limited to only as many persons as can be accommodated such that 2 metres (m) physical distancing between persons can be maintained;
- 7. Ensure physical distancing of 2 m between persons is maintained including in all work areas, and common areas such as lunchrooms, change rooms, washrooms;
- 8. If work arrangements or environment cannot be altered to allow the required 2 m distancing at all times, employers shall ensure employees are wearing appropriate personal protective equipment (PPE), as per the *Occupational Health and Safety Act* and other applicable legislation;
- 9. Ensure signage regarding COVID-19 safety measures, available from DRHD or other authorities, is available and posted throughout the workplace premises;
- 10. Restrict non-essential visitors from entering the premises;
- 11. Ensure face coverings are used correctly and consistently inside the workplace by all visitors;
- 12. Ensure availability of adequate hand hygiene supplies;
- 13. Ensure cleaning and disinfecting of all high touch surfaces at least every four hours, between shifts and when visibly soiled, using an approved disinfectant. Document all cleaning and disinfecting and ensure logs are available for review, as requested by DRHD;
- 14. Support home self-isolation for workers with COVID-19 symptoms and workers who are Close Contacts of COVID-19 cases.

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15. Immediately notify DRHD of all COVID-19 cases identified in connection with your workplace premises and provide DRHD with their first and last name, address, telephone number and date of birth.
16. Upon notification of a COVID-19 case or declaration of an outbreak by DRHD of COVID-19 related to your workplace premises or as directed by DRHD, ensure that the following steps are taken:
  - a) Prepare a list of Close Contacts of these persons and provide the list to DRHD, as requested;
  - b) Provide DRHD the log of all persons who attended the workplace premises during the period of communicability, for contact tracing purposes;
  - c) Notify the Ontario Ministry of Labour, Training and Skills Development of the declared outbreak, as required;
  - d) Notify the Labour Program - Employment and Social Development Canada (ESDC) of the declared outbreak, as required;
  - e) Provide DRHD the business name, corporation number, corporate officer name and corporate address for service; and the name and phone number of the most responsible decision-maker at the workplace premises;
  - f) Be readily available for contact by DRHD to implement any additional measures immediately as required by DRHD;
  - g) Cooperate with DRHD including allowing entry into the workplace premises for inspection; and
  - h) Allow DRHD to provide onsite testing for COVID-19 for all employees until such time that the DRHD is satisfied that all employees have had the opportunity for testing.
17. Comply with any further instructions from DRHD pertaining to this Order as it relates to an investigation and/or an outbreak at the workplace premises.

**THE REASONS FOR THIS ORDER ARE THAT:**

1. COVID-19 has been designated as communicable under Ontario Regulation 135/18 as amended. COVID-19 has been declared a pandemic by the World Health Organization.
2. COVID-19 is present in the Region and therefore poses a risk to the health of the residents of the Region through community transmission. The COVID-19 virus (SARS CoV-2) is spread from an infected person to a Close Contact by direct contact or when respiratory secretions from the infected person enter the eyes, nose or mouth of another person.
3. To contain the spread of COVID-19, individuals experiencing symptoms consistent with COVID-19 or who are infected with

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COVID-19, as well as their Close Contacts, are required to isolate themselves from other people until they are no longer infectious or potentially infectious. Isolation ensures that these people will not spread their infection to others.

4. It is critical for workplaces to identify outbreaks and contact DRHD and follow DRHD instructions to save lives and prevent serious illness.

**THE REASONS for this ORDER are that:**

**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 DRHD website:

<https://www.durham.ca/en/health-and-wellness/novel-coronavirus-update.aspx>.

The following definitions apply to this Order:

**"Close Contact"** is defined as a person who had a high-risk exposure to a confirmed or probable case during their period of communicability or have otherwise been identified as a Close Contact by Durham Region Health Department. This includes household, community and healthcare exposures as outlined in Ministry guidance on cases and contacts of COVID-19.

**"Durham Region Health Department"** means the Medical Officer of Health or Durham Region Health Department staff acting under the direction of the Medical Officer of Health.

**"Workplace Premises"** means any land, premises, location or thing at, upon, in or near which a worker works.

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## 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, at the address below, and to the Health Services Appeal and Review Board, by e-mail to [hsarb@ontario.ca](mailto:hsarb@ontario.ca) or faxed to the HSARB at 416-327-8524, notice in writing, requesting a hearing within 15 days after publication of this Order or otherwise in accordance with applicable law.

**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 in accordance with section 100 of the Health Protection and Promotion Act for which you may be liable, on conviction, to a fine of not more than \$5,000 (for a person) or \$25,000 (for a corporation) for every day or part of each day on which the offence occurs or continues.

Original signed by

Robert Kyle, BSc, MD, MHSc, CCFP, FRCPC, FACPM  
Commissioner & Medical Officer of Health  
Durham Region Health Department  
605 Rossland Road East, Whitby, Ontario L1N 0B2

This Order shall be posted on the Durham Region Health Department website: <https://www.durham.ca/en/health-and-wellness/novel-coronavirus-update.aspx>.

Inquiries about this Order should be directed to the Durham Region Health Department at (905) 668-2020 or 1-800-841-2729.

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