
Under what authority did Durham Region Health Department issue a class order related to retail stores?

The Health Protection and Promotion Act (HPPA) authorizes the Medical Officer of Health to issue a class order to address the risks presented by the potential spread of COVID-19 to residents of Durham Region.

Why did the Medical Officer of Health issue this class order?

This class order was issued as a result of the continued increase in the numbers of people contracting COVID-19 in Durham Region, and experiences in similar cities around the world. The class order strengthens Durham Region Health Department’s (DRHD) ability to reduce the transmission of COVID-19 in the community and preserve and protect the capacity of our health care system.

While the majority of retail stores are compliant with requirements from DRHD to address cases of COVID-19, there are retail stores which have not followed the instructions, advice and recommendations of DRHD. This class order is a legal tool to help ensure that retail stores follow DRHD requirements in order to protect their patrons, staff and visitors.

What are retail stores required to do under this order?

• Implement measures as outlined in the applicable provincial regulations, advice of the Chief Medical Officer of Health of Ontario, and/or DRHD.

• Develop and implement a written safety plan available on-site for viewing by patrons, staff and visitors. This safety plan must be posted in a conspicuous location. All staff must follow the safety plan. The safety plan must include provisions addressing the following:
  o Screening of all patrons, staff and visitors.
  o Self-isolation for staff if they become ill while at work.
  o Physical distancing and a procedure to address crowding inside and outside the facility and ensure all patrons and staff maintain a distance of 2 metres apart.
  o Face coverings for patrons, staff and visitors, with limited exemptions.
  o Cleaning and disinfection of the retail store.
  o Support of hand hygiene for patrons, staff and visitors, particularly handwashing and/or use of hand sanitizer, as applicable.

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Reminding patrons, staff and visitors about good respiratory (cough and sneeze) etiquette and to avoid touching their face.

Notification to DRHD of any staff either diagnosed with COVID-19 or identified as a high-risk contact to someone with COVID-19.

- Immediately set a maximum capacity for patrons and staff in the retail store that effectively supports maintaining a physical distance of 2 metres. Actively monitor compliance with the said capacity limit at all entrances. DRHD has the right to decrease the capacity limit at any time.

- Post appropriate visible signage at all entrances indicating that non-medical masks or face coverings are required inside the retail store, with limited exemptions.

- Actively monitor all common areas of the retail store to ensure physical distancing of 2 metres is being maintained and proper usage of face masks/face coverings, with limited exemptions, are being followed. All surveillance should be documented and include any problematic areas and corrective actions taken.

- Actively manage all line ups/patrons congregating and ensure all patrons waiting in line ups inside or outside the facility wear a face mask/face covering, with limited exemptions, and maintain a physical distance of at least 2 metres.

- Post signage indicating one-way flow of patrons and staff in the retail store to ensure physical distancing is maintained.

- Ensure eating and drinking is only permitted in compliance with the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 (ROA) and the applicable regulations.

- Conduct screening of all patrons, staff and visitors. If active screening of non-workers entering the workplace is not possible (for example, grocery stores), post signage instructing people with symptoms not to enter.

- Clean and disinfect all high-touch surfaces at least twice a day or when visibly soiled using an approved disinfectant. Document all cleaning and disinfecting and ensure logs are available for review, as requested by DRHD.

What is a retail store?
A retail store is a place of business open to the general public for the sale of goods including but not limited to clothing, food and personal items, where the sale of goods is the primary business.

What advice, guidance and recommendations are available to retail store owners and operators regarding public health measures?
Owners and operators of retail stores can find information about public health measures on Durham Region Health Department’s COVID-19 webpage at: durham.ca/communityreopeningtoolkit

When is the order effective?
The class order is effective from 12:01 a.m., November 27, 2020 and will remain in effect until such time as the Medical Officer of Health determines it is no longer required.

Are there any exceptions?
There are no exceptions.
How could the Order be enforced if a retail store fails to comply?
Individuals identified in this class may be charged and fined up to $5,000 per day while corporations may be fined up to $25,000 per day.

Can a retail store challenge the order?
Individuals identified in the class order may challenge the order by appealing to the Health Services Appeal and Review Board. Visit the Health Services Appeal and Review Board website for contact information at www.hsarbo.on.ca/scripts/english/contact.asp