

New COVID-19 Obligations in Place for Toronto Workplaces

January 5, 2021

The City of Toronto's Public Health unit has issued a [Letter of Instruction](#) to all employers in the City permitted to be open under the *Reopening Ontario Act*. The Letter requires every employer to take additional measures to reduce the spread of COVID-19.

The physical measures reiterate public health guidance currently in place for Ontario workplaces. These include regular sanitizing, distancing, HVAC review, physical barriers, *etc.* **However, there are some new reporting and other measures of note, identified below.**

To the extent any measure conflicts with other applicable Provincial legislation or directive, the Provincial requirement prevails. If a conflict does not exist, the measures in the Letter are in addition to any applicable Provincial requirement.

Notify and Cooperate

As soon as an employer becomes aware of **two or more cases of COVID-19 within a 14-day period in connection with the workplace**, the employer must immediately notify Toronto Public Health (416.338.7600) and also notify the Ontario Ministry of Labour, Training and Skills Development or other relevant government authorities. The employer must then cooperate with infection prevention and control personnel from the City, including allowing entry into the workplace for inspection and implementing enhanced measures and recommendations.

These reporting obligations are similar to those already in place in Peel Region, under a [Class Order](#) issued by its Medical Officer of Health.

Advise Employees of Income Support Measures

To address the City's stated concern that an employee may not take time off of work to get tested or isolate due to a fear of losing pay, the Letter require a business or organization to "ensure that all employees are aware of income replacement and workplace-related benefits they are entitled to if they have to isolate due to symptoms of COVID-19, being tested for COVID-19 or being a close contact of someone with COVID-19."

Exempt Business or Organizations

The following businesses or organizations are currently exempt from the Letter due to sector-specific legislation, directives and/or guidelines governing COVID-19 measures in these workplaces: a licensed child care program; health care providers and health care entities as defined in section 77.7 of the *Health Protection and Promotion Act* and subject to the Chief Medical Officer of Health's Directives; schools and school boards licensed under the *Education Act*; and 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.

Public Reporting of Workplace Outbreaks

While not in the Letter itself, the City indicated it will begin to publicly report workplace outbreaks to give the public a better indication of where COVID-19 is spreading. The City's [COVID-19 dashboard](#) will include detailed information including the number of active outbreaks in various workplace categories (*e.g.*, manufacturing, grocery, *etc.*).

Significantly, the City may elect to **publicly identify** a business depending on whether: (1) there has been sustained transmission within the employee population; (2) a significant number of employees have been impacted by the outbreak; (3) the outbreak has been for a significant duration; and (4) there is a low risk to individual privacy if the workplace is identified (*i.e.*, the workplace must have at least 20 employees).

To learn more and for assistance, contact your Sherrard Kuzz LLP lawyer or, if you are not yet a client, contact us at info@sherrardkuzz.com with the re line: COVID-19.

