

Toronto and Peel mandate business closures if five or more cases of COVID-19 in 14 days

April 23, 2021

Peel Public Health and Toronto Public Health have issued “Section 22 Orders” under the *Health Protection and Promotion Act* giving those health units broad powers to shut down workplaces with COVID-19 infections.

The Section 22 Orders require that businesses with five or more cases of COVID-19 in the previous 14 days must close all or part of the business, although Toronto Public Health and Peel Public Health define the five cases differently (see below). Certain essential businesses, including those related to healthcare (such as pharmacies and healthcare facilities), first responder emergency services, shelters, critical infrastructure (such as water/wastewater treatment, utilities and telecommunications and IT), childcare and education, are exempt from the closure requirement.

According to Peel Public Health’s Order, a full workplace premises closure or shift or work area mass dismissal will be implemented if the above conditions exist while the Peel Region is in the Grey-Lockdown zone under Ontario’s Response Framework, while the Province of Ontario has enacted a Shutdown, or under any similar provisions in any successor legislation to Ontario’s current framework. Peel Public Health also has the authority to notify a workplace that they must close under the Order. Such notification may be given verbally as an initial step, with a follow-up in writing when possible. Further, the Order authorizes Peel Public Health to require other significant interventions in a workplace if such interventions are necessary to address circumstance at a specific workplace premises. Owners, operators or persons responsible for a workplace premises that is closed by notice under the Order must conspicuously post the notice at the entrance to the workplace in the form provided by Peel Public Health. If a workplace is ordered to close, temporary access for prescribed purposes (such as for maintenance, security and to deal with critical matters that cannot be attended to remotely) is permitted.

Peel Public Health’s Order also requires that owners or operators of a workplace premises, or persons responsible for a business or organization, convey the following instructions to all workers:

- That workers are required to self-isolate in accordance with the Order. Specifically, COVID-19 positive workers, workers who have been identified as a close contact or workers who are or become symptomatic must self-isolate in accordance with Peel Public Health’s self-isolation Section 22 Order, and all other workers who are not symptomatic must self-isolate for 10 days or for such time as the workplace is closed.
- Workers shall not work in another workplace during their period of isolation.
- Symptomatic workers should be tested as soon as possible from the date of onset of symptoms, and asymptomatic workers are encouraged to seek testing.
- Workers who test positive for COVID-19 should notify their employer immediately.
- Testing is not required to re-open the workplace premises or for a worker to return to work if they are asymptomatic.

Similarly, Toronto Public Health's Order states that a full or partial workplace closure or shift or work area mass dismissal for a minimum period of 10 calendar days will be required if either (a) there have been five or more confirmed or probable COVID-19 cases for individuals who *attended the workplace* within a 14-day calendar period, or (b) based on evidence of transmission *other than* there having been five or more confirmed or probable COVID-19 cases for individuals who attended the workplace within a 14 calendar-day period. In either scenario, Toronto Public Health may also order other "significant interventions" necessary to address the circumstances at a specific workplace. The Order also permits shutdown employers to have temporary access to the premises for prescribed purposes, and requires that owners, operators and occupiers of a workplace post signage in the form provided by Toronto Public Health conspicuously at all entrances indicating the workplace is closed. However, unlike Peel Public Health's Order, Toronto Public Health's authority to close a workplace is not limited to when the City of Toronto Health Unit is in the Grey-Lockdown or Shutdown Zone under the Response Framework.

In addition to the existing requirement that Toronto Public Health be notified as soon as there are two or more individuals who test positive within a 14 calendar-day period, the Toronto Public Health Order requires that owners, operators or occupiers of a workplace notify Toronto Public Health as soon as they become aware of 5 or more individuals who test positive for COVID-19 within a 14 calendar-day period "in connection with their workplace". If a workplace is closed, or a shift or work area mass dismissal is required, under Toronto Public Health's Order all workers identified either by Toronto Public Health or by the owner, operator or occupier of the workplace (through contract tracing) must self-isolate in accordance with the Isolation Class Order (if applicable) or for a minimum period of 10-calendar days.

The new Orders from Peel Region and the City of Toronto may trigger other health units in Ontario to follow suit. Notably, a similar "expedited workplace closure" order was recently issued in British Columbia, permitting WorkSafeBC inspectors to shut down a workplace for a period of 10 days or longer, if needed, after a COVID-19 transmission is detected in the workplace.

Peel Public Health is also strongly recommending that employers directed to close under their Order provide paid leave for impacted employees. At present, employers are not legally required to provide paid leave to employees impacted by such closures. It remains to be seen whether the Government of Ontario will legislate paid sick days or an equivalent paid leave in the coming weeks.

We continue to monitor this situation. Peel Public Health's Section 22 Order is available [here](#), and Toronto Public Health's Order is available [here](#).

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