

Toronto and Peel to Name and Shut down Workplaces with COVID-19 Breakouts; Other Regions may Follow

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By Daniel Wong, and Max Skrow

As Ontario continues to experience its third wave of the COVID-19 pandemic, it has become clear that this wave is quite unlike the previous two. While Ontario continues to accelerate the rollout of COVID-19 vaccines, the daily case count of new COVID-19 infections is higher than ever before. Ontario is presently under a state of emergency and a stay-at-home order until at least May 20, 2021,^[1] and on April 16, 2021, Ontario imposed restrictions on interprovincial travel.

Earlier today, the Regions of Peel and Toronto announced that they will be imposing their own restrictions on workplaces in the regions, citing the regions' high case counts and the spread of COVID-19 variants. Toronto and Peel's Public Health units will issue orders, effective Friday April 23, 2021, requiring all business with five or more cases of COVID-19 in the previous 14 days to close for 10 days where:

1. The cases could have reasonably been acquired at work; or
2. No obvious source of infection has been identified outside of the workplace.

Businesses in Peel that are required to close under Peel's order will have their names published on the Region of Peel's website – an extension of the approach to combatting workplace infections that we saw earlier in the pandemic.^[2]

Essential businesses such as healthcare, emergency childcare and education businesses are exempt from mandatory full closure. A complete list of essential businesses for the purpose of these orders is in development and will be included in the orders when they are released. Toronto's order will be available on the City of Toronto website,^[3] when issued, by Friday April 23, 2021.

While these orders are limited to the Regions of Peel and Toronto at this time, other regions that are experiencing high COVID-19 case counts may impose similar measures. The possibility of other such measures, in conjunction with Ontario's aggressive approach to workplace inspections,^[4] makes pre-emptive compliance with Ontario's workplace health and safety legislation and COVID-19 measures as important as ever. Under Ontario's emergency COVID-19 legislation, corporations can be fined up to \$1,000 for non-compliance, and individuals (including employees and patrons) can face fines of up to \$750. More generally, serious breaches of the OHSA can expose individuals to fines of up to \$100,000 and imprisonment for up to one year and can expose corporations to fines of up to \$1,500,000.

WeirFoulds has developed a flexible and targeted Employer Compliance Audit Program to assist employers with their efforts to achieve and maintain compliance with their obligations under the applicable employment laws and regulations including obligations under occupational health and safety legislation. For more information about the Employer Compliance Audit Program, please contact Daniel Wong, Partner and Chair of WeirFoulds' Employment Law Group.

[1] <https://www.weirfoulds.com/ontario-declares-emergency-and-issues-stay-at-home-order-what-are-the-implications-for-employers>

[2] <https://www.weirfoulds.com/comply-or-beware-toronto-to-begin-naming-employers-with-covid-19-outbreaks>

[3] <https://www.toronto.ca>

[4] <https://www.weirfoulds.com/ontario-further-expands-its-workplace-inspections-campaign-to-combat-covid-19>

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.

For more information or inquiries:



Daniel Wong

Toronto
416.947.5042

Email:
dwong@weirfoulds.com

Daniel Wong is Chair of the Firm's Employment & Labour Practice Group with a practice that is focused on employment and labour relations.

Toronto

Email:

WeirFoulds^{LLP}

www.weirfoulds.com

Toronto Office

4100 – 66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7

Tel: 416.365.1110

Fax: 416.365.1876

Oakville Office

1320 Cornwall Rd., Suite 201
Oakville, ON L6J 7W5

Tel: 416.365.1110

Fax: 905.829.2035